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DEDICATED BY THE AUTHOR

TO CHARLES BARON COLCHESTER,

OUT OF RESPECT FOR HIS DISTINGUISHED ABILITIES,

ESTEEM FOR HIS HIGH CHARACTER,

AND AS A MEMORIAL

OF THEIR LONG AND UNINTERRUPTED FRIENDSHIP

BEGUN AT THAT EARLY PERIOD OF LIFE

WHEN ROMAN AUTHORS AND ROMAN HISTORY

FIRST BECAME FAMILIAR TO THEM BOTH.

MARCH MDCCCXVIII.

PREFACE.

THE objects to which a review of Civil History is chiefly directed, may be classed under those relating to the government and constitution; to the religion and manners of the people; and to miscellaneous transactions of a political rather than of a military description.

It is not however proposed, nor would it indeed be practicable, in treating of Rome, to pass over without notice the constant and rapid succession of her wars and triumphs: for in pursuing the track of her career, it becomes evident, almost from the first steps, that no advance can be made without falling in with an enemy; and that war may not improperly be termed the natural state of the Romans from the infancy of their power to its maturity. It was the shutting of the Temple of Janus which threw them into momentary intervals of repose, ill suited,

and by no means congenial to their tempers and habits.

It is a curious, though not a new problem, to resolve into its component elements the vast fabric of their dominion; to determine what portion belongs to original design or forethought, and how much should be attributed to what is commonly styled chance or fortune; to ascertain how far there existed a constant adherence to established principles; to what extent a long succession of magistrates, of the most different dispositions and qualities, were guided by the same fixed maxims; and to separate what may be ascribed to the peculiar talents, energies, and genius of each individual, from what they all imbibed in common, from the education, institutions, and nurture of their country.

The advantage of a free government, presenting to the open competition of every citizen the highest honours and commands, was unquestionably the principal incitement which the republic held out to individual exertion: but when that primary obligation has been placed to her credit, it may perhaps be found that the republic stood indebted to her own citizens for every thing else.

It must not however be forgotten, that the high road to conquest was opened, and the whole organization of the military service was formed under the monarchical form of government; that it was continued, without improvement or change, under the consuls: and that the importance of their victories was by no means greater, nor their acquisitions more rapid, under the two first centuries of the popular government, than under that of the kings.

The root of that martial system which overshadowed the world, was in fact, coeval with the walls of Rome; and owed its origin to the same founder.

But whatever uniformity may be observable in the conduct of their military concerns, and of their external relations, their maxims of internal policy were subject to continual vicissitudes and fluctuations.

Their ancient constitution, deranged by abolishing the regal power, without sufficiently providing against all the consequences of that change, was never afterwards settled upon a steady basis. The disorderly workings of a machine so ill adjusted, gave birth to events which would be rejected as hardly

credible under a more regular system of government: and it is perhaps more reasonably to be wondered at, that it went on so long, than that it was occasionally brought to a stand.

In a population universally trained to the use of arms, and carrying their political dissensions to the excesses with which their annals abound, it has been remarked as an extraordinary instance of moderation, humanity, and respect for the laws, that no blood was shed in any civil tumult during very near four hundred years, from the institution of the consulate: and it is equally singular, that the dawn of the liberal arts, the introduction of literature, and philosophy, the extension of intercourse with more polished nations, and the more general diffusion of knowledge, which seem calculated to civilize and soften the human mind, should have marked the precise period when the temper of the Romans, in respect of party animosity at least, became more sanguinary and ferocious.

In contemplating the grand outline of their achievements, and the characters of the extraordinary men by whom they were ef-

fected, opinions will naturally vary in striking the exact balance between their virtue, and their fortune, between the eminent commanders and statesmen who were produced, and the radical principles and maxims of the republic in which those great men were educated and matured; but it will be agreed without dispute, that no course of events affords a more instructive field for reflections applicable to all the varied circumstances of active and political life. Humble in her origin, but ever lofty in spirit, and high in pretension, Rome kept her eye constantly fixed upon preeminence; and disdaining a second rank, she merited, and obtained the first.

But the enjoyment of advantages which are in their nature incompatible with each other neither her fortune could combine, nor her virtue achieve; and her civil liberty sunk, by an unavoidable fatality, under the continuance of those military commissions, without which her dominion could not have been extended.

The dates are taken from Crevier's edition of Livy, and the Supplement by Freinshemius. The foundation of Rome being placed 752 years before the Christian era, any given year from the building of the city deducted from that number will give the year before Christ.

Rollin's Roman History follows the same dates. That by Catrou and Rouillé; Vertot's Revolutions of Rome, Hooke's History, and Middleton's Life of Cicero, carry the dates, in general, one year later. In Blair's Chronological Tables, the dates are two years later; but those Tables add two years also to the antiquity of the City before the Christian era.

The dates which regard the general course of the history, reckoned always from the building of Rome, are placed in the margin without brackets, but dates referring to events which are incidentally mentioned out of their historical order, are included within brackets.

CHAPTER I.

Rome founded.—Succession of the Seven Kings. Expulsion of Tarquin.

THE Romans traced their origin to a foreign ancestry, claiming as their progenitors some of those warriors of the heroic age, who defended Troy, and survived its fall. The landing of Æneas in the mouth of the Tiber, his marriage with the daughter of Latinus, his wars, and establishment in Latium, together with the line of his descendants, formed the substance of their earliest chronicles; and Livy has given the stamp of historic authority to the same traditional accounts, which Virgil has ennobled with all the graces of poetry. There were various other legends, and conjectures with regard to their parent stock; and the name which their city bore exercised the industry, without rewarding the pains of their antiquarians and etymologists.

Chap. I.

The succession continued in the Trojan family, through eleven generations, down to Procas, who at his death left two sons, of whom the younger, Amulius, deposed and imprisoned his brother Numitor; and for the purpose of fixing himself upon the throne, he destroyed all the male issue; obliging his niece, Rhea Sylvia, to devote herself to a state of chastity as a Vestal virgin. In the observation of this vow, which was imposed against her consent, she did not long continue; and whether she herself was imposed upon, and credited the story which she endeavoured to pass upon the world, or thought to cover her failing more honourably under the excuse of a supernatural seducer, she declared Mars the father of her ambiguous offspring.

The two boys of whom she became the mother were immediately thrown into the Tiber by the king's command; from the sedgy bank of which, (if the popular story is to be credited) after receiving temporary aliment from the milk, and care and warmth from the nursing of a she wolf, they were saved by his shepherd Faustulus, who concealed, reared, and educated them

for his own. As they advanced towards manhood under his humble roof, their noble nature began to show itself in deeds of enterprise and courage, which gave them an authority and ascendant among the peasants and herdsmen with whom they associated: they were ever the first in repelling the predatory incursions of the numerous robbers and banditti who infested those parts; and sometimes, not waiting to be attacked, they collected a party for the purpose of going in quest of, and mastering them. In one of these expeditions, it happened that Remus was taken prisoner by some of these freebooters, and dragged as a criminal under the charge of robbery, before the judgment-seat of the usurper. *Chap. I.*

In this extremity, the king's shepherd disclosed to the other brother Romulus the secret of his birth: and the young prince, fired by all the passions which such a discovery naturally excited, and above all by the urgency of his brother's danger, exerting extraordinary dexterity as well as resolution, contrived to assemble in haste a number of those who had been the companions of his successful excursions, by whose assist-

Chap. I. ance he surprised the royal residence and found means to rescue Remus.

Their great uncle was instantly put to death; and their grandfather Numitor placed again upon the throne. The two brothers leaving him in possession of Alba, the ancient residence of Ascanius, and the seat of government, determined to found a city for themselves upon the spot which their early danger and preservation had rendered dear to them: but before the foundations were well laid, or the circuit completely marked out, the bane of their race, the desire and jealousy of command, occasioned dissensions and disputes between them, which at length proceeded to blows; and in the issue of their altercation Remus lost his life; whether by his brother's hand, or by one of his companions, remains uncertain.

The first settlers were soon joined by a promiscuous multitude of slaves as well as freemen, who flocked to the general asylum which Romulus opened for all who felt disposed to enter into this new community; out of the best of whom, he was enabled to choose a council of one hundred, whom he styled senators: this number is said to have

been doubled upon the incorporation of the Sabines; though the whole body, according to Plutarch, consisted of no more than one hundred and fifty, when Numa was elected king. *Chap. I.*

The entire population was divided by Romulus into three tribes, and each tribe into ten curiæ, which formed a sort of parochial subdivision according to the districts which they inhabited.

It was among the first cares of the monarch to provide for the duration of his great work; and though the means which he took were violent and indefensible, it is not easy to conceive what other expedient he could have had recourse to, for the purpose of setting right the immense disproportion between the two sexes, which threatened his rising society with inevitable, and rapid extinction.

It is not however to be understood that not one wife, nor daughter accompanied any of the first founders; for Tarpeia was with her father, and of an age to be trusted and employed by him; but the greater part of Romulus's companions were young men of his own age, and unmarried.

Friendly proposals for intermarriage were

Chap. I. first made to the neighbouring states; and it was not until these overtures had been rejected with indignity and scorn, that recourse was had to stratagem and violence.

Romulus proclaimed a festival in honour of Neptune, to which multitudes of spectators of both sexes were attracted by curiosity and the love of novelty from all the adjacent towns. During the celebration of the games, while the strangers sat gazing and attentive, the king gave the signal which had been agreed upon, and the Romans discovering their arms, and dispersing the other visiters, forcibly carried off all the unmarried women.

Y. of R. 4. Bef. Ch. 748.

The numbers of those whom they thus seized are very differently estimated; the largest account, which is that of Dionysius, makes them six hundred and eightythree, while the lowest reckons them as no more than thirty. One married woman only was detained, which happened by mistake, and contrary to order.

The first war in which the future mistress of the world engaged, was in maintenance of this outrage. There were four contiguous states principally affected, and aggrieved by it; of whom the Sabines were the most pow-

erful, and the best able to maintain their cause, though they appeared in arms the last, and after some of their fellow sufferers had been subdued. But when they appeared, they came prepared to accomplish their revenge by fraud, no less than by force; and gaining the daughter of Sp. Tarpeius, who had the custody of the citadel, they became masters of it by her means. The traitress, either by mistake, or intentionally, was rewarded as she deserved by the Sabines throwing their shields upon her, instead of their bracelets; for the bargain which she made was, that she should receive for her recompense what they wore upon their arms. *Chap. I.*

The Romans were in extreme peril; and notwithstanding Romulus by great personal exertions, and by a solemn appeal to Jupiter Stator, to whom he made a vow of a temple, had rallied them and stopped their flight, the battle continued to be sharply contested, and the event uncertain; when the Sabine women rushing suddenly between the two contending armies, suspended for a moment the violence of both. Tears and lamentations were mixed with their entreaties, and caresses: the vehemence of the passion which

Chap. I. actuated them rendered them careless of the danger to which they stood exposed, and obstinate in their importunity: some hung about the necks of their husbands, some clasped and confined the arms of their fathers, or brothers; nor would they suffer themselves to be separated, nor torn away, until they had effected both an amnesty and
7. reconciliation.

The issue of this extraordinary spectacle was, an agreement between the opposite armies to coalesce, and to become one people, the Sabine king, T. Tatius, sharing the sovereignty with Romulus.

Acron, king of the Cœninenses, who were the first to take up arms in this quarrel, had met with a harder fate from the sword of Romulus himself; upon which occasion the conqueror dedicated a temple to Jupiter Feretrius, to receive all spoils of the same kind that might in succeeding times be won by his posterity or successors in command, from kings or commanders in chief personally opposed to them. In so many ages of war these preeminent trophies were gained by only two
(316.) other generals, by Cossus in the Veian war,
(530.) and by Marcellus in Cisalpine Gaul.

. The destiny of Rome began to expand, in these earliest hostilities, some of the operative causes which led to all her future greatness. On the part of her enemies, the small Italian states set the example of that ruinous system which was followed by all the greater in their turn: for it almost always happened that those who had common cause of enmity against Rome stood aloof from each other and attacked her separately, instead of combining their strength; and the weaker powers were easily suppressed in succession, by a force which would have been unable to master them all, if confederated.

Another main step towards her aggrandizement was the principle of incorporating, and admitting foreigners to the rights of citizens; and of filling conquered places with colonists from Rome, which was a part of the same comprehensive policy. When she was threatened by a more formidable foe, she sometimes, though rarely, condescended to treat and temporize; but her usual tone was that of ascendancy and dictation, from the very dawnings of her power; and the examples set by the Sabines of increasing and invigorating Rome at the expense of their

Chap. I. native land, was never departed from with regard to other states of less consequence and pretensions. Alba was indeed allowed to form an exception, on account of respect to the parent stock; for upon the death of his grandfather, Romulus neither took possession of, nor incorporated it, allowing an independent and free government to be established there, under a magistrate elected annually by the people.

Tatius after enjoying for five years his share of divided power, was assassinated at a sacrifice by a party of Laurentians, to whom he had denied the justice which they had a right to demand on account of the injurious treatment of some ambassadors from their city by the king's relations, whom he protected and refused to give up for trial.
12. Romulus is said to have shown hardly a decent concern for the loss of his colleague; and even to have acquitted the assassins as justified according to the law of nations by the provocation which they had received.

It deserves remark, that the union with the Sabines, which carries the appearance of complete incorporation, did not by any means put an end to hostilities with all who

were comprehended under the Sabine name: there were no fewer than eight distinct wars against some of them between this event and the reign of the first Tarquin: Publicola's last triumph was over the Sabines; and it was by their forces in conjunction with the Æqui that the Romans were defeated under the Decemvirate. They were permanently subdued by Curius Dentatus. *Chap. I.* (305.)

The wars in which Romulus was engaged after his settlement with Tatius, were chiefly against the Fidenates and Veientes, which he terminated prosperously; and his triumph over the latter closed his military career. Forty six thousand infantry and nearly one thousand horse constituted the force by which these successes were obtained; which conveys a very high idea of the energy which he exerted, and the estimation in which he stood. It is true that every man of a fit age was probably, before the distinction introduced by the register, a soldier in rotation; and the numbers mentioned are rather of those who were capable of serving, than of those who ever took the field together. The native infantry actually serving at the beginning of the second Punic war

Chap. I. amounted to little more than half, and the native horse were not double these numbers.

In the last years of his life he became elated by his extraordinary success, and bore himself with less moderation than he had done in the commencement of his reign; he surrounded his person with guards, left off consulting with his senators, and transacted matters of the highest importance without their advice; the conquered lands were allotted by his sole authority; and he restored in the same spirit of unlimited power hostages whom the people of Veii had sent to Rome: so that the whole superior order felt irritated against him; and it is probable that some deep conspiracy among them contained the secret of the mysterious fate which took him off; for in what manner it was effected remained absolutely unknown; nor was his body ever discovered. A violent tempest arose while he was mustering and numbering his troops; the day was obscured by darkness; and Romulus disappeared, never again to be seen upon earth.

37. *Bef. Xt.* 751. But one of the senators, Proculus Julius, affirmed, that the King appeared to him descending from heaven, and that he directed

divine honours to be paid to his celestial character under the title of Quirinus. *Chap. I.*

His reign lasted thirty seven years according to the common calculation; but there is reason to think that its duration, as well as that of all the succeeding reigns, has been extended considerably beyond the truth: there is no other instance of seven monarchs in succession continuing two hundred and forty four years; and it must be observed in addition, that the reigns of four out of the seven Roman Kings were shortened by violent deaths, and that the last ended fifteen years before the natural decease of the exiled monarch.

The institution of the mutual dependence and relation between patron and client is ascribed to Romulus; a benevolent and useful connexion, which subsisted perhaps in no other state upon the foundation of reciprocal services and good offices only, without any reference to the tenure of lands; it must be confessed, however, that if the harmony of the lower orders with those above them was the object of this celebrated ordinance, it failed of securing it, at least when monarchy was at an end; for no government

Chap. I. ever exhibited more scenes of discord and animosity, nor was greater oppression any where exercised by the rich, nor less submission paid by the poor.

Among the laws of Romulus one is mentioned by Plutarch which regulated divorces; an object to which it is natural enough that he should have directed his attention, after the unprecedented mode he had adopted in the beginning of his reign, for making marriages. But Dionysius asserts that he declared marriages to be indissoluble, and that he allowed to every married woman a full participation in all her husband's property as well as in all sacred rites. Cases of adultery, and of drinking wine, were classed together, and fell under the cognizance of the husband, by whom a sort of domestic tribunal was held with his wife's relations as assessors, which usually showed no mercy to those two species of female delinquency.

It is agreed by all writers, that for more than five centuries no instance of divorce occurred; which during the greater part of that period, if such a law existed and remained unrepealed, can excite no surprise, for divorce was impossible. The twelve Tables seem,

from a fragment which is preserved by Cicero, to have given to husbands the power, if they had it not before, and to have prescribed a form in which divorces were to be notified.

Another law of Romulus is mentioned by Dionysius, which prohibited putting any female child to death under three years of age: the inconveniences which his kingdom had been exposed to from the want of women, induced him probably to give this protection to the first years of that sex, against the power of the father. The exposing of children however does not seem ever to have been a prevailing practice among the Romans, as it was in some of the Greek states. It was the object of a rising society to increase, and by no means to check its natural population.

Those who desire fuller details with regard to the founder of Rome, and his six successors, may find them in Dionysius of Halicarnassus; but circumstantial particulars, such as his history abounds in, relating to remote and illiterate ages must always be received with distrust; and doubts as to their veracity increase in direct proportion to their minuteness and apparent accuracy.

Chap. I. It is the general outline only which possesses any claim to correctness; but the filling up, the finishing, and all the finer touches, cannot fail to discover the labour of some more modern hand. Dionysius, who was cotemporary with Livy, relates, with as little diffidence as if he had been present, the harangue of Romulus upon the best possible form of government, his secret conferences with his grandfather, to whose counsels all the early actions of his reign are ascribed, and a variety of incidental circumstances, which give to this species of narration all the qualities of romance, except that of entertainment.

The choice of a successor agitated and convulsed the rising community; the two chief elements of which it was composed, and which had been held together by the vigor and reputation of Romulus, were ready to fly asunder upon his disappearance; and each of the incorporated nations was desirous of having a prince of its own. The election therefore remained in suspense; and the senators took upon themselves the regal office by turns, for the term of five days; in which state of interregnum the government continued for a year. But the commonalty

disliking this multiplication of masters, insisted upon the creation of a single head; and the senators agreeing at last that one of the concurring parties, as the lot might decide, should choose out of the other, the nomination fell to the Romans; and their choice directed them to Numa Pompilius, whom they invited from the small town of Cures in the Sabine territory to take upon himself the sovereignty. *Chap. I.*

It does not appear that the people had any share in this election; but they readily acquiesced in it, on account of the high character which Numa bore for probity, wisdom, and moderation. The Augurs confirmed and sanctioned the act of the senate.

Tatius had given his only daughter in marriage to Numa; but she was not living at the time of his elevation to the throne.

II. Numa.

It was with difficulty that he himself was prevailed upon to accept this unexpected dignity, and to exchange the retired and philosophical habits of forty years, for the cares and splendor of a kingdom. 39. *Bef. Xt.* 713.

He began his pacific reign by disband-

Chap. I. ing the 300 body guards by whom his predecessor was constantly surrounded during the latter years of his life; and devoting his whole attention to the civilization and instruction of his new subjects, whom he found abundantly qualified to defend themselves from aggression, both by natural temper and the warlike discipline of their founder, he gave them a more ample code of laws, and inculcated a system of religion, which he supported by the exterior aids of priests and diviners, and by a mysterious ritual of ceremonies calculated to captivate and awe the understandings of rude and unlettered men, not untinctured with superstition. But the principles which he held were pure, and his notions of the Deity just and philosophical; for he forbade the placing of images in temples, and the representation of the divine Being under the resemblance either of man or beast; which prohibition (if Plutarch is correct) continued in force for an hundred and seventy years. The first occasion of transgressing this ordinance is not mentioned by that biographer, nor elsewhere.

Numa conceded something perhaps to the grosser conceptions of his cotemporaries

in encouraging a belief that he held a nightly and mysterious intercourse with the nymph Egeria; and it is probable that his institutions may have derived respect and veneration from the propagation of a story, which was utterly inconsistent with his tenets as to the spiritual nature of the Deity. *Chap. I.*

The sacrifices which he ordained were simple, and without blood: but Plutarch who gives this account relates, without appearing to notice it, a remarkable contradiction, for he mentions as another of Numa's injunctions, that a widow marrying a second time was directed to sacrifice a cow with calf; which was undoubtedly making as bloody and destructive an offering as could possibly be furnished by the oblation of one animal. Many of his doctrines bore so near a resemblance to those of the Pythagoreans, that he was supposed to have been a friend and disciple of their founder: but the era of Pythagoras was not before that of the Tarquins. A Spartan of the same name is said to have visited Italy much earlier, and to have assisted Numa in ordering and regulating his government.

The College of Heralds, which was an-

Chap. I. other of his foundations, constituted a well contrived check upon the violent manners of the times; it gave to the Romans, as well as to those with whom they might have any disputes, time to reflect before they resorted to arms, and offered a reasonable pause for explanation and adjustment before they proceeded to extremities: the law of nations might be consulted during this awful interval of suspense, and the right of the strongest sustained a temporary interruption, which reason and reflection might take advantage of, and turn to the benefit of humanity.

He built and shut the Temple of Janus, the signal of war and peace, which was closed only twice, from his time to that of Livy; first by T. Manlius soon after the first (519.) Punic war, and by Augustus in consequence (725.) of the battle of Actium.

It is not however to be imagined that the Romans enjoyed no other periods of tranquillity in the seven succeeding ages; for some few years uninterrupted by war are occasionally noticed in the course of their history, one of which was an interval of twelve years, mentioned by Polybius, between the Macedonian and the Illyrian

wars: but a season of secure and profound peace did not necessarily follow a mere cessation of arms, while any unfriendly or suspected power remained in force; nor might it have been at all times a popular or judicious act in their chief magistrates to proclaim to their warlike and turbulent countrymen that they were without a foreign enemy. *Chap. I.*

Numa reformed the Calendar, and gave names to the months. He instituted also the higher order of priests; and established, or rather gave rules to the order of Vestal Virgins the guardians of the perpetual fire. The land which his predecessor had acquired by conquest he divided among the poor citizens; and agriculture was encouraged both for its own utility, and for the purpose of giving to his subjects some better occupation than that of war. For the internal management and police of the city, the whole commonalty was subdivided according to their occupations or handicrafts, of which there were eight distinctly enumerated, and a ninth class was added to contain all those who were not included in one of the others.

A principal intention of this classification

Chap. I. was, to put an end to the division and jealousy between the two elementary portions of the population, which were thus mixed together and aggregated into smaller masses; and this expedient proved completely successful in abolishing the distinction of Roman and Sabine.

82. After a reign of forty three years, Numa died universally respected and lamented by his subjects, whom he had reformed and civilized; and venerated by his neighbours, whose rights he had respected, and whose good will he had cultivated and deserved.

If we are to estimate the rank which a legislator merits by the objects he proposed to himself, by the means which he employed to accomplish them, or by the fitness of those means to the ends he had in view, none of the celebrated names of antiquity have higher claims than Numa; inasmuch as his main drift was the wisest and best that could engage the mind of man, and was indeed no other than to reclaim and instruct a fierce, illiterate, and discordant people: the instruments he made use of were not those of fear and violence, but of religion and wholesome laws, of morals and example:

and so complete was his success, that he enjoyed a long reign undisturbed either by internal or external commotions, and left his kingdom more secured and respected, by the reputation of good faith and moderation, than he had received it, by the prowess and triumphs of his predecessor. *Chap. I.*

If again we take the duration of ordinances and laws as a test of the wisdom of their founder, it must be observed to Numa's honour, that this spirit of religion which he inculcated took root so deeply, that the Romans excelled all nations in their regard for oaths, and their veneration for whatever else was held sacred; and so firmly interwoven was this temper of mind with their whole system of civil and military policy, that during the earliest and least corrupted times of the republic, they considered themselves as subservient to and under the immediate direction of the Deity; and that their religion, morals and liberty expired almost together.

A singular fate attended the remains of this great legislator and philosopher. Almost five centuries after his death, two stone coffins were dug up; one of which appeared (571.)

Chap. I. by the inscription to have contained his body; the other other was filled with his writings, which remained entire and legible: there were seven books in Latin upon the Priesthood, and seven in Greek upon Philosophy. The Prætor borrowed them of the proprietor of the field in which they were discovered; and after reading them, he referred the matter to the senate, informing the Fathers, that in his opinion, which he offered to confirm upon oath, the books tended to the subversion of religion, and that they ought to be destroyed. No farther examination was directed, nor was the college either of priests or augurs consulted; but by a decree of the senate, the whole contents were publicly committed to the flames.

This marked disrespect, amounting almost to sacrilege, with which the genuine remains of so venerable a character were treated by those who professed the religion which he reduced into a system, can only be accounted for in one of two ways; either by supposing that all which he committed to writing was so contemptible and absurd, that it would discredit the founder of their

faith; or on the other hand, that it was so pure and spiritual, as to condemn and stigmatize the polytheism, idolatry, and sanguinary sacrifices, which had been ingrafted upon it, to the utter extinction of the parent stock. *Chap. I.*

A short interregnum ended in the elevation of a very different King in Tullus Hostilius, who was chosen by the people, without having any relation or affinity to either of the two former monarchs.

III. Tullus Hostilius.

His disposition led him to emulate the martial glory of Romulus, and to despise the pacific and inactive spirit, the limited desires and moderate views, of his immediate predecessor.

The old friends and kinsmen of the Romans, the people of Alba, were the first enemies whom he had to deal with; but it was agreed to leave the decision of the quarrel to three brothers, as champions, on each side; which ended in the memorable victory of the third Horatius, after his two brothers were slain, over his antagonists the three Curiatii. So uncertain however were the historical

B.C. 85.

Chap. I. documents of these times, that Livy confesses it to have been a matter of doubt whether the Horatii or Curiatii were his countrymen.

The grief of the sister of Horatius for the loss of her lover, who was one of the Alban champions, his indignation at her lamentations in the midst of the public joy, and the fatal effect which it produced, by provoking him to destroy her with his own sword, form the sequel of this celebrated combat.

Horatius was brought to trial as a murderer, before two judges specially appointed by the King; but his father, asserting his own right to punish him if he thought his son deserving of death, appealed in his behalf to the people. Tullus, who appeared to be embarrassed, unwilling to condemn, and unable to pronounce him innocent, allowed the plea; and the people acquitted him, more from their admiration of his valour, than from the justice of his cause.

Alba herself the city of Ascanius founded by the Trojan settlers four centuries before, did not long survive the fate of her three champions; though the destruction of her walls, and the forced migration of her

inhabitants to Rome, was not the immediate consequence of that event, but of the subsequent perfidy of Mettius Fuffetius the dictator who had the command of the Alban troops, apparently acting with Tullus and ranged in battle array against the Fidenates and the Veientes. The prompt counteraction of his treasonable defection by the decisive boldness and presence of mind of the King, prevented the impending mischief, and brought a tremendous vengeance upon the traitor's head. *Chap. I.*

Livy remarks upon the dreadful manner of Mettius's execution, which was by being torn asunder by horses, that it was the first and last instance of savage and inhuman punishment which disgraced their annals; adding, that the mildness of the penal code in respect of the punishments which it authorized, was the excellence and glory of the Roman law. 87.

Thirty two years were actively and successfully employed in combating the Fidenates, and several of the small Latin states dependent on Alba, together with the Sabines; but before the close of Tullus's reign an entire change was wrought in his temper

Chap. I. and character, by a lingering disorder which debilitated his whole frame. No longer fit for nor delighting in the pursuits of military glory, he sunk into the lowest state of depression and superstition; apprehensive of impending danger, and trying all manner of expiations to avert it, he struggled in vain against his destiny; and in the midst of one of these acts of devotion he fell a victim to a thunderbolt, which consumed him, together with his whole family and habitation. The conflagration was accounted for by some authors without any celestial interference, by supposing Ancus with some other conspirators to have kindled it, and to have fabricated the story of the fire from above to stifle all inquiry.

IV. Ancus Martius.

114. *Bef. Xt.* 638. Ancus Martius, son of Numa's daughter, was elected to succeed Tullus by the senate and people in concurrence. With a natural disposition inclined to the maintenance of peace, he possessed qualities fully sufficient for the conduct of war, whenever the times made it necessary. He is noted by Virgil as over anxious to court popularity, of which however no particular instance

occurs in the transactions related by the historians. *Chap. I.*

He repressed the inroads of the Latins, and took Politium from them, with whose inhabitants he peopled Mount Aventine. His other opponents, at different periods of his reign, were the Fidenates, Sabines, Veientes, and Volsci. The fortifications of the Janiculum, the wooden bridge across the Tiber, the prison in the Forum, and the port and town of Ostia were constructed under his direction.

A stranger named Lucumo, the son of a Corinthian, emigrated from Tarquinii to Rome with his wife Tanaquil in the time of Ancus, and recommended himself so much by his address and talents to the king, that he was appointed guardian to the two princes, who were under age at the time of their father's death. The stranger, for the purpose of ingratiating himself with the people also, and imitating their names as well as manners, assumed the appellation of L. Tarquinius. 121. *Tarquin.*

Ancus reigned twenty four years. Plutarch, but no other author, intimates that he died by violence, without however relating 138. *Bef. Xt.* 614.

Chap. I. any particulars of the manner in which he was taken off.

V. Tarquinius Priscus.

It was an easy task for Tarquin to supplant his wards; the popularity of his manners, the eloquence of his harangues, and his talents in transacting business would have given validity to his pretensions against much abler competitors: but the Roman crown had hitherto never passed from a father to a son, nor was lineal succession considered as giving any claim to it; and so little apprehensive was Tarquin of any better title than his own, that he did not think it necessary for his own security to remove or destroy the sons of his patron.

He increased the number of the senate by the addition of one hundred members from plebeian families: to the walls of the city he added strength and durability, by casing them with stone; the great drain which was formed and constructed by his command remained as a grand work of utility and sound architecture in the days of Augustus, and is pointed out even now as continuing entire. The city was in other

respects also considerably embellished and augmented. *Chap. I.*

Tarquin was engaged in wars with the Latins, the Appiolæ, the Sabines, and the Etruscans; all of whom he combated successfully: but the domestic enemies whom he had to dread, neither his own sagacity, nor the magical skill of his prophetic wife Tanaquil (for she brought with her the reputation of that mysterious science) could guard against. He fell in his own palace by 176.
the axe of an assassin suborned by the sons of Ancus, while he was sitting in the discharge of his judicial duty, and attending to a fabricated tale related by another miscreant who was leagued with them.

Accius Navius the famous augur lived in his time, to whom a statue was erected in the Forum representing him in the act of cutting a whetstone with a razor, by which miracle he had convinced the incredulous monarch of the veracity of his art. It was an age in which augury and divination of all sorts gained respect and credit.

Tanaquil discovered by her proficiency in these occult practices, something eminent and extraordinary in the destiny of young

Chap. I. Servius Tullius, who was the son of a captive taken at Corniculum, but born and educated in her palace; and, as he grew up, she treated him with so much distinction that she gave her daughter Tarquinia to him in marriage. Intending to further the favourable purposes of the stars towards her pupil, Tanaquil was unconscious that she was preparing nothing less than a crown for him, and that she was innocently working to put it upon his head, by no other means than the death of her husband.

The sons of the late king were inflamed with jealousy at the preference shown in so many instances to this low-born upstart, which urged them to the assassination of Tarquin. Their precipitate flight, and want of accomplices, afforded the queen an opportunity to accomplish the fortune of Servius, by dissembling for some days the death of her husband; while she continued to issue such orders in his name, as tended to throw every thing into the hands of her favourite. The sons of Ancus, satisfied with the vengeance which they had taken, and dreading the punishment which awaited them, were beyond the limits of the territory of Rome;

and the queen's son-in-law was in full possession of the government, and of the support of the higher order, when the death of Tarquin was made public, after a reign of thirty eight years. *Chap. I.*

VI. Servius Tullius.

What exact portion of political power or civil liberty was enjoyed by the subjects under the five first kings is not distinctly ascertained; but it cannot be doubted that a newly formed society, which the adventurers who followed Romulus did not inherit, but create, and which continued to attract constant accessions from the neighbouring states, must have conferred some considerable degree of independence and privilege upon those who so readily flocked to it from all quarters, and in fact composed the bulk as well as the strength of its first population. 176. *Bef. Xt.* 576.

If credit is given to Dionysius, these rights included every thing which could be desired by a people living under a monarchy: the king was elected by the people, and the senate also; the king was bound to govern himself by their advice; but the sovereignty was ultimately lodged in the body of

Chap. I. the citizens, with power to enact laws, to create magistrates, to declare war, and to receive and determine appeals in all causes, both from the king and the senate.

We find, that after the loss of Romulus, the people insisted upon the election of another king; that an appeal to them in all capital cases was acknowledged to be the right of every subject in the time of Tullus; that Ancus Martius courted and attended to them; and that his election, as well as that of his successor, was made either directly by the people, or with their entire concurrence. The consent of the people was indeed neither given nor asked, on account of the singular circumstances which led to the elevation of Servius, who was the first who assumed the regal title by the will of the senate alone; but after he was settled upon the throne, he seized the first fit opportunity for confirming his title by taking the sense of the people also.

It is further to be observed, with regard to the civil rights of the community, that the new constitution, of which Servius Tullius became the author, which regulated the right of voting, does not seem to have con-

ferred any new privilege, but rather to have introduced a limitation and abridgment of an existing franchise, which had been enjoyed in a greater latitude during the former reigns, when every citizen voted individually and upon a footing of perfect equality. *Chap. I.*

His new regulations, which Livy regards as by far the greatest work of peace, established a complete and very comprehensive system, which appears admirably calculated to have kept that monarchy in just equilibrium; and discovers more political sagacity in its contrivance than any other code of fundamental or constitutional laws that antiquity has recorded. The extinction of its author by violent means, and of the kingly government itself, in the expulsion of his immediate successor, allowed only a short trial of its practical efficacy; for when once the poize of regal authority was removed, it is not surprising that what remained of the system was found insufficient to keep steady an anomalous sort of polity, for which it was never intended.

The foundation of this great constitutional work was extremely simple and rational, consisting merely in a distinction of, and a qualification by property; which was

Chap. I. applied to the raising of revenue, by apportioning the assessments of tribute; to regulating the arms, equipage, and expenses incidental to the military service, to which every citizen in his turn was liable; and to keeping an exact register, or census, of the whole population, which might exhibit not only their numbers, but by means of their numbers subdivided according to a scale of property an authentic mode of very nearly approximating to the value of the whole property of the state, and of every individual within it. A new right of voting was ingrafted upon this mode of assessing in respect of relative wealth; the principle of which was, that power should be commensurate with property; that the burdens of supporting the state should fall where there was sufficient substance to bear them; and that a superior share of consideration and influence should be given, as a fair compensation, to make the rich support those heavier burdens without discontent.

The machinery employed by Servius to mould the frame of the constitution conformably to his views, and to throw the power of electing and legislating into the hands of the

rich was first, a division of the whole popu- *Chap. I.*
lation into six classes, and a subdivision of these into centuries. But the several classes were extremely unequal in the number of centuries which they contained; and by this contrivance a decided preponderance was given to the aristocracy, in all questions of elections, of laws, and of every other matter which could be put to the vote; for it was a further part of his plan, to enact, that the sense of the people should be taken according to these centuries, and that a majority of centuries should be deemed a majority of the whole, without taking into account, as was accustomed in the former reigns, the actual number of votes on one side or the other. The first class consisted of no fewer than ninety eight of these centuries, including eighteen of knights, taken from among those of the best distinction, who performed their military service on horseback, but upon horses found and maintained at the public expense; which seems to have been the only part that was born by the state, of the whole charges incurred in the duties of the camp, or the defence of the city, to which, according to his age, every citizen of the five first classes

Chap. I. was liable. The arms and equipment were regulated for each class, from the complete suit of armour and large shield all of brass with a sword and lance, to the sling and pebbles which constituted the whole apparatus of the fifth class. The four classes next to the first, contained together ninety four centuries; and the sixth class consisted of only one century, exempt from taxation and military duty, as being possessed of less property than the lowest standard, which was ratable in the fifth class. The relative proportions of property were as nine to one, between the first century and the fifth; and the sums themselves denote no want of substance in these early times, though it does not appear from what sources it could have been acquired. Virgil and Pliny indeed speak of veins of gold and silver as well as copper having been found in Italy in great abundance; but there are no traces in history of their being worked, even in the time of the kings.

There are several facts which contradict the assertion of Plutarch, that they made use of very little money at this period, and that their property was estimated by cattle: this

grand division into classes according to the weight or tale of metallic currency, and the census or register itself, in which no reference whatever is made to cattle as the measure of wealth, but every individual is classed according to coined money, or value of metal, and the large sum of silver expended in the next reign upon the Capitol, are sufficient refutations of that opinion, which has no better foundation than a fanciful etymology suggested to the Greek author by the similarity between the two Latin words denoting cattle and money. The qualification of the first class is computed by Arbuthnot at nearly £323 of our money, that of the third class at about £161, and that of the fifth at somewhat more than £35. Brazen money, according to Pliny, was first coined with the impression of sheep, by this king; but in the five preceding reigns it passed only by weight. Silver was first coined five years before the first Punic war, and gold sixty two years later. *Chap. I.*

The population of Rome was so much augmented as to afford, according to this first regular registry, 80,000 citizens, all of 197
whom were supposed capable of bearing arms by the oldest of their historians. We

Chap. I. have no subsequent account of the numbers during this or the following reign; but in the first year of the commonwealth the registered
(365.) citizens amounted to 130,000. In the fourth century, when Rome was taken by the Gauls,
(488.) there were 152,572. In the fifth century, the
(501.) numbers never quite reached 300,000; after which they rapidly declined, so as to be lower than they were when the city was captured: but from this point of declination, when they
(544.) reckoned no more than 137,108, they rose,
(589.) before the close of the sixth century, to 327,022. Some years prior to the middle of
(638.) the seventh century, there were enumerated very nearly 400,000; and in the last account which is preserved, though not the last which
(683.) was taken during the republic, the number was 450,000.

Further additions were made to the city, under the direction of Servius, to keep pace with the increasing number of inhabitants; and two more hills were inclosed and fortified. The Latins were persuaded to build within the walls a temple to Diana, jointly with the Romans, which was taken as an acknowledgment and prognostic that Rome was the head of both.

Servius relieved the distress of the lower orders by discharging their debts; he resumed portions of public land of which individuals had taken possession under no good title, and divided them among those who were without any landed property; in doing which he only revived the regulations of Romulus and Numa, the first of whom distributed equally among the captors, not only the plunder and slaves, but the territory acquired in war. *Chap. I.*

His predecessors had endeavoured to augment the number of their subjects, by admitting all foreigners, without distinction of rank or condition, who came to settle at Rome, to the full rights of citizens; but Servius, extending the same principle still farther, and taking a more enlarged view of the means necessary for aggrandizing his rising kingdom, ordained that all slaves who were made free (if they did not desire to return to their native homes) should be placed in every respect upon the same beneficial footing, and registered in one of the four city tribes; which continued as a permanent regulation.

The policy and humanity of this com-

Chap. I. prehensive system is defended by Dionysius, notwithstanding the abuses to which it led, and the inconveniences which it produced in his own days; but these are so singular in their kind, and so valuable is every thing which falls from respectable authors relating to their own times, that they deserve particular notice.

In enumerating the causes which occasioned the frequency and excessive number of manumissions in the degenerate state of manners, of which he was an eyewitness, he makes the first to consist in the gains acquired by slaves in robbing, housebreaking, or by more infamous vices, which enabled them to purchase their emancipation; a second cause was their privity and cooperation with their masters in crimes of the deepest die, such as poisoning, murder, and sacrilege, by which they entitled themselves to this return of gratitude; another cause was to be found in the vain-glory and ostentation of some masters, which induced them, at their deaths, to manumit their whole families, for the sake of being attended at their funerals by numerous retinues, wearing on their heads the badge of liberty; but

there was a fourth class of slaves on whom freedom was conferred, for the express purpose of entitling them to the corn which was distributed monthly, and to any other gratuities occasionally given by those in power to the poorer citizens, all which they carried to their former masters." The general character of this historian is by no means that of a detractor; his admiration of the Roman firmness, probity, and detestation of vice, is conspicuous in many of his observations; and where he relates instances of the exercise of these virtues, he adds that his own countrymen, so far from being able to imitate them, could hardly deem them credible. *Chap. I.*

The example of the sons of Ancus had not given a sufficient warning to this politic and sagacious prince, that no benefit conferred can compensate or efface the loss of a crown; he flattered himself indeed that he had effectually guarded against a similar danger, by giving his own two daughters in marriage to the sons, or grandsons (for it is uncertain which they were) of his predecessor. The younger of these who was named Tullia, after destroying her own husband, and her sister, became the wife of her brother-

Chap. I. in-law L. Tarquinius, whose proud and ambitious temper, congenial to her own in violence and atrocity, was worked upon and encouraged by her persuasion, to execute the atrocious attempt, which he meditated, against her own father's life. A great party of the senate was gained over to favour his schemes, by every sort of misrepresentation and calumny; he objected against his father-in-law, his low birth and servile extraction, and the favour which he showed to the people at the expense of the superior orders; at length he either made himself so powerful, or the king so detested; so little suspicion was entertained of his secret designs; or so little precaution used against his open machinations, that he ventured to assemble the senate by his sole authority, and to place himself in the seat of royalty; and when the king entered the hall, Tarquin violently hurled him down the steps, and despatched him in the presence of them all, without resistance or molestation. His abominable wife, who hastened to congratulate with him on the success of their mutual guilt, upon her return home drove over the bloody corpse of her father, which was thrown out, and lay

exposed in the street through which she passed. *Chap. I.*

The success of such an attempt, conducted so boldly and with so little disguise, detracts considerably from the character of wisdom which most of the other acts of this unfortunate prince appear to deserve: he must have alienated, without sufficiently guarding against the consequences, a very considerable body of the richest and most powerful men in his kingdom; not aware, probably, that the addition which he made to their political influence in no degree counterbalanced the discontent arising from having subjected them to heavier contributions; so that the downfal of Servius partook more of the character of a revolution than of a conspiracy.

VII. TARQUIN THE PROUD.

ROME suffered greatly by the change: the twenty five years of the second Tarquin exhibited a series of insolence and pride, of cruelty and rapacity, which as they had no parallel in the example of any of his predecessors, so they engendered in the people a radical disgust to that form of government 220. *Bef. Xt.* 532.

Chap. I. under which they endured them. He endeavoured to strengthen himself by foreign alliances against his own subjects, in which he carried himself with the same haughtiness as towards the Romans. He made war upon the Volscians, from whom he took plunder to the amount of 400 talents, (about £77,500 of British money) which he expended upon the temple of Jupiter Capitolinus; but Plutarch says, that laying the foundations alone cost him 40,000 pounds weight of silver.

He compelled the Æqui and Tuscans, by force of arms, to submit to the conditions which he dictated; the strong city of Gabii he mastered by the stratagem of his son Sextus, who pretended to have revolted from him. It is upon this occasion, that the known story is related of his striking off the heads of the tallest poppies which grew near the path in which he was walking, without returning any other answer to his son's messenger, whom he despatched to ask instructions for his further proceedings within the walls. The same anecdote is told of Periander: and it would not perhaps be easy to invent any other incident, which would convey a more complete idea of the dark and

malignant temper of a tyrant, who, upon the slightest intimation of his will, exacted from his subjects to be understood as well as obeyed, without condescending to afford the least clew or explanation of his meaning. *Chap. I.*

The books of the Cumæan Sibyl were brought by an unknown woman to Tarquin, and purchased at a great price by the advice of the augurs, after she had burned the first and second part of them, and refused to abate any thing of what she had demanded for the entire work. Nothing was held in higher veneration than the prophetic verses and admonitions contained in this mysterious volume, to which recourse was had with due solemnity, in all seasons of public calamity and alarm.

But some portentous appearance within the palace affected more nearly the anxious mind of the king; the forebodings, whatever they were, seemed directed to matters of high importance; and it was deemed of consequence enough for Tarquin to despatch two of his sons to Delphi, to learn the signification of it. L. Junius Brutus went in their train, his sister's son; who, under the mask of imbecility, screened himself from the

Chap. I. jealous suspicions of his uncle's court, and ruminated upon that great enterprise of which he was born to be the instrument. It is probable that he derived resolution and encouragement from the answer of the Oracle to a demand made by the young princes; for when they had asked, with a playful curiosity, which of them should reign? and it was answered from the sacred tripod, "He who shall first kiss his mother;" the pretended idiot, as soon as they were beyond the pavement of the temple, fell down, as if by accident, and kissed the earth, the common mother of all.

Not long after their return from Delphi an event, quite out of the contemplation of them all, afforded an occasion for the subtle and reflecting mind of Brutus to seize, and to convert in an instant to the completion of his high design, the liberation of his country. The circumstance which gave rise to it was this. While the Roman army lay encamped before Ardea, which was closely invested, an accidental conversation in the camp among the young nobility, who were carousing with Sextus Tarquinius, upon the beauty and virtue of their respective wives,

led Collatinus (who was great nephew to the first Tarquin, being his brother's grandson, and next heir to the reigning family) to carry the whole party to pay an unexpected visit, by night, to his wife Lucretia. Her beauty, and the employment in which they found her occupied, sitting among the maids of her household at work, and taking a share in their labours, excited the admiration of all; but in a mind formed like that of Sextus, it kindled at the same time ungovernable desire, and the passion of possessing her person. He returned privately to her house some nights after, and effected by force what she denied to his promises and entreaties. As soon as the morning dawned, the heroic wife of Collatinus summoned her father, her husband, and her most intimate friends, among whom was Brutus; she related all that had passed, and having exacted an oath from each of them, that she should not remain unrevenged, she plunged a dagger into her breast, and expired. *Chap. I.*

All her other relations stood in a state of stupefaction; but Brutus, drawing out the bloody weapon from the wound, swore them all upon it, that they would no longer suffer

Chap. I. Tarquin to reign over them, nor any other king. Proceeding immediately from Collatia to Rome, he harangued the people in the forum, and communicated to their susceptible minds the passions of commiseration and indignation with which his own was overwhelmed: abundant topics of aggravation were easily found and eagerly listened to against the tyrant and his house; no one uttered a word in their behalf; the atrocity of the action, the noble example of preferring death to ignominy, set by a woman, roused and united the vehement and generous feelings of the whole assembly, which did not separate before a formal vote for banishing the royal family was carried by acclamation.

244. *Bef. Xt.* 508.

It does not appear from Livy's account, that the body of Lucretia was produced before the people, nor removed from Collatia, where she resided.

The relation which Dionysius gives of this memorable transaction is much more dramatic, and better calculated to account for the great sensation which it produced; for he lays the scene of Lucretia's death at Rome, in her father's house, whither she went after that fatal night; and he designates

the exact spot in the forum, near the rostra, where her body was laid, while Brutus stood over it and harangued the people. In a case where the effect was so instantaneous, it seems highly probable that the emotions and compassion of the audience were first roused through a more impressive organ of sense than that of hearing, and that the actual sight of the corpse began to work upon their passions before Brutus addressed himself to their understandings, declaiming to hearers already inflamed by the sad spectacle presented before their eyes, against the profligacy and despotism of the monarch and his sons.

CHAPTER II.

Commonwealth under Consuls. Sons of Brutus. First Dictator. Secession. Tribunes of the People. Coriolanus.

Chap. II. It is singular, that after so sudden and unforeseen a revolution, the government should have at once taken that form, which it maintained with some slight and casual interruptions for between four and five centuries; and it evinces great penetration and enlarged views in Brutus, who was the director and contriver of the whole, to have discerned how little was necessary to be done at the first moment, and to have limited the change to the strict exigency of the case, which consisted simply in transferring the monarchical power into the hands of elective magistrates, leaving every thing else entire and untouched, and trusting that time, which might discover further wants, would introduce expedients and remedies to answer them.

L. Junius Brutus himself, and L. Tarquinius Collatinus, were proclaimed consuls, in an assembly of the centuries held by the prefect of the city. But the jealous anxiety of the former for the liberty of which he had been the author did not suffer his colleague to continue long in office, on account of his near connexion with the Tarquins; he therefore was obliged to abdicate his office, and even to withdraw from the seat of government to Lavinium; which was followed by a decree of the senate, referred to, and confirmed by the people, to banish the whole race of the Tarquins. An oath was also taken by the whole people, that they would never submit to any other king. *Chap. II.* 244.

P. Valerius was substituted in the place of Collatinus, in an assembly of the centuries held by Brutus: and the senate was filled up by him to three hundred, out of the principal men of the equestrian order. It soon appeared that the jealousy entertained of the exiled family was not without cause, and that the new order of things required the most anxious vigilance. The state of freedom was by no means generally acceptable, and it had to struggle with powerful enemies

Chap. II. in its own bosom, before it was assailed by external arms. Among the young nobility, and in the very family of the Consul, there were those who panted for the restoration of royalty.

Ambassadors from Tarquin, who had been admitted and entertained upon pretence of soliciting the restitution of his property, found means to tamper with, and gain over to his interest, a considerable number of the discontented; but their want of caution discovered their conspiracy before it was ripe for execution; and the memorable severity with which it was visited upon the heads of the offenders, precluded all hope in others of stirring in the same cause. A slave, named Vindicius, who was accidentally present, without being observed, at one of their meetings, revealed the plot to Valerius; and letters of the conspirators themselves left no doubt as to the certainty or extent of it.

It was upon this great occasion, when the conspirators were brought to trial, that the stern impartiality of the founder of the commonwealth condemned his two sons to immediate death.

The power of the father was so extensive by the Roman law, that he commanded this first act of justice to be executed under the warrant of his single authority; but afterwards, when he was called into the assembly to sit in judgment upon the other accomplices, he declared (according to Plutarch's account) that it was the right of the people to decide upon their fate; and he accordingly directed the verdict to be taken by the regular mode of voting.

The history of Dionysius gives a very disadvantageous view of the conduct of Collatinus in the course of this memorable trial, which implicated his own nephews, as well as the sons of his colleague. Supplicating, remonstrating, and at last making a show of resistance against the severity of Brutus, he exerted every endeavour to snatch them from the hand of justice: and if his abdication of the consulate was not forced upon him before this first crisis of the republic, it may be reckoned rather as a matter of necessity than of precaution. To reconcile him to this degradation, and to confer upon him a mark of favour for his exertions in the abolition of regal power, the same historian

Chap. II. relates, that the people, by the advice of Brutus, conferred upon him a donation of twenty talents, and that Brutus added five more from his private fortune. If this gratuity deserves credit, it affords a confirmation of what has been already observed in treating of the classes and register, with regard to the abundance of the precious metals, and of the wealth of individuals during the monarchy.

It was deliberated what should be done with regard to Tarquin's ambassadors, who had so abused the respectable character with which they were invested; but the law of nations was regarded, and they were dismissed without injury. The king's personal property was given up by the senate to be plundered by the populace, but the royal demesne was consecrated, and called the field of Mars.

What had failed by treachery was now to be attempted by force: the exiled family had recourse to the Veians and Taquinians, in conjunction with whom they attacked the Romans commanded by their consuls. Brutus, and Aruns one of Tarquin's sons, regardless of self defence in the fury of attack,

fell by each other's lances; but Valerius returned in triumph. *Chap. II.*

A community recently broken loose from tyranny is apt to carry to extremes the jealousy and dread of its reappearance. Valerius, who appears to have been as sincere a friend to liberty as ever lived, and who well deserved the surname of Publicola, by which he was afterwards distinguished, could not escape suspicion. The high honours which he had attained, his remaining for some time sole consul, and above all a spacious mansion which he was building on the summit of the Velian hill, rendered him an object of envy and detraction. The consul, without hesitating, gave way to these ill-founded prejudices; he held an assembly for the election of a colleague; he demolished the edifice which gave such umbrage, and laid the foundation of another in a humbler spot. As a further mark of deference, he ordered his lictors, whenever they entered an assembly of the people, to lower their fasces, to show that he considered the majesty of the collective body as superior to that of the consuls.

It was the object of some excellent laws,

Chap. II. of which he was the author, to exempt the property of the lower class from exaction, and the personal liberty of all from chastisement and coercion; but they failed of their full effect soon after the time of Valerius, from want of vigilance on the part of those in whose behalf they were enacted, and through the contrivance and craft of those whose interest it was to counteract them. It is indeed singular, that the most important of all his laws, which gave the right of appeal to the people from the magistrates, forming as it were the keystone of a popular constitution, fell into such unaccountable disuse, that it was formally reenacted at several times, but always without effect: nor was personal liberty and security from corporal maltreatment and punishment effectually
(452.) provided for before the Porcian law.

The Tarquins found a protector in Porsena, king of Clusium, who took up arms for their restoration. The new republic was hard pressed by a blockade, and a famine in consequence; but the people were kept in good humour by being exempted from all taxes, and conciliated by the mildness of the government; they therefore endured their

hardships with constancy and without murmuring. The circumstances of the siege gave occasion to some extraordinary instances of individual courage and fortitude; in the resistance of Horatius Cocles upon the wooden bridge over the Tiber, until his companions could break it down behind him; and in the bold but unsuccessful attempt of C. Mutius Scævola upon the life of Porsena within the royal tent. When he found that the secretary was his victim and not the king, Scævola thrust his right hand into a fire which was burning upon an altar before the throne, as a punishment for his failure. Nor were resolution and enterprise confined to one sex: Clœlia, who was among some hostages in Porsena's camp, swam on horseback across the Tiber; and when the Romans delivered her again, the king generously released her; and he soon after granted an advantageous peace to the people, whose spirit and exertions excited his admiration, and whom he thought it more prudent to have for friends than for enemies. A statue of brass was erected in honour of Cocles, and an equestrian statue commemorated the bold exploit of Clœlia; which show

Chap. II. the arts to have been at that time in a state of cultivation and repute in Italy, to which they had probably not then attained in any part of Greece.

A great accession of valuable population was added a little before the death of Valerius, and at his instance, by the defection of Atto Clausus, with about five thousand families from the Sabines, when they were preparing to take up arms against Rome: an assignment of land near the Anio was made in the proportion of two acres to each man, and twenty five were specially allotted to the Claudian family, which became so illustrious in the Roman annals. The last act of Valerius was a triumph over the hostile tribes of the Sabines in his fourth consulate. He may be considered as an instance of rare, but deserved felicity, in a great and eminent political station; he died so poor as not to leave sufficient for his funeral, which however was conducted with great pomp, and the expense defrayed by a general contribution, each citizen subscribing a small piece of money; and the matrons mourned a year for him, as they had done for Brutus.

Claudian Family.

A more extended war was soon after

apprehended on the side of Latium, where a confederacy of no fewer than thirty states was formed in support of Tarquin; which first gave rise to that extraordinary magistracy so often resorted to in difficult emergencies, which, after having frequently succeeded in extending the dominion, or averting the perils which threatened the republic, became at last the immediate instrument of subverting its laws and constitution. T. Lartius was probably, but not certainly, the first dictator; nor does it appear how this new dignity was conferred, whether by a sort of election among the consular senators, or by the mere nomination of the consuls with the approbation of the senate. Livy mentions a law regulating the choice of a dictator, but the passage is obscure and extremely short; and he speaks of the year and person of the first dictator as matters of great uncertainty. The name of T. Lartius appears as one of the consuls of the year in which he was dictator; and it occurs again as consul three years later. The chief magistrates in some of the Italian cities were called dictators, as at Alba and Tusculum.

253.

256.

The readiness with which the Romans

Chap. II. encountered unforeseen emergencies by new expedients, and accommodated themselves to circumstances as they sprung up, was one of the main causes which rendered them superior to all their difficulties. Those who on the sudden devised this extraordinary magistracy, could not have been blind to the consequences attending any absolute authority; but the impending danger of an extensive league formed against, and ready to burst upon them, made it necessary to prepare the most effectual mode of immediate resistance, even with some risk to their new form of government.

It was in fact under a very different state of things that the dictatorship became formidable; when the republic, through the operation of extraneous causes, was ripe to receive a master; and when a master, backed by an armed force, was prepared to put his shackles upon the republic. If Sylla had not found an office of this description, he would without scruple have made one: the consulate without a colleague, as it was once held by Pompey, might equally have served his purpose, if no better expedient had occurred for establishing his power.

Dionysius ascribes the origin of this paramount magistracy to reasons of domestic policy arising out of dissensions and disputes in the senate house upon the abolition of debts, but more especially to an artful contrivance of the fathers, who hoped to regain that full control over the people, which the consuls had lost in consequence of the Valerian law. This account might be intelligible enough with respect to the higher order; but the people, who are said in the same passage to have confirmed their decree, can hardly be supposed so stupid and easily imposed upon as to sanction such an unrestrained tyranny even for six months, if it were to be turned directly against themselves; nor does the conduct of the whole series of the early dictators warrant this refinement of the Greek author. *Chap. II.*

The confederates afforded to the first dictator no opportunity of distinguishing himself; it is not improbable that the novelty of the precaution alarmed them, and suspended their inroad; but they appeared in force two years later, and at the lake Regillus were completely beaten by the second dictator A. Postumius. The last hopes of 255.

Chap. II. the Tarquins, who fought at the head of a cohort of Roman exiles, were extinguished in that decisive battle.

The death of the exiled monarch, which
259. happened soon after, instead of promoting and consolidating the tranquillity and constitution of the new republic, which it seemed calculated to do, opened a source of intestine disorders almost unheard of under the monarchy, which the dread of his restoration had kept under; it therefore forms a very remarkable era, on account of the first appearance of those violent agitations and dissensions, which during a long period distracted and convulsed the state, and threatened more than once its utter dissolution.

The superior orders, when they thought it no longer necessary to court their inferiors, immediately became their oppressors; and the first fruit which the confirmed possession of a free government bore, was the degradation and subjection of the people. Brutus and Valerius, the fathers of the constitution, were no more; had they lived only a little longer, they might perhaps have exerted their abilities and authority to vindicate for the people a fair participation in

that liberty of which they had laid the foundation. The task would certainly have been arduous against such an host of petty tyrants, but their great work was wholly incomplete without it.

The prodigious alteration which they had brought about in the balance of the constitution was not at first discernible; the whole regal prerogative and functions were apparently placed in the hands of annual officers, without increase or diminution, excepting indeed so far as a constant change of men, and a recurrence to the opinion of the people at every election was likely rather to weaken power, which naturally acquires strength by duration. But the strange situation in which the two grand divisions of the citizens stood with respect to each other (contrary to all expectation) rendered this revolution extremely unfavourable to liberty. While a king sat upon the throne he maintained an equipoise between them, as feeling equally interested in the prosperity of both, and unwilling that either should encroach upon the rights or privileges of the other; but no sooner was the regal power thrown into the scale of the aristocracy, than all their selfish

Chap. II.

and separate views were ingrafted upon it; the neutrality and impartiality of the executive power ceased to exist, and the people which could formerly look up for protection to a monarch, found nothing in their patrician magistrates but party spirit and oppression.

To what causes this extraordinary state of society owed its origin, or what singular circumstances occurred about this time to divide the great mass of population into debtors and creditors, the imperfect sources of their ancient history are totally insufficient to explain; nor does the inquiry appear to have engaged the attention of those who compiled and embellished the rude materials in a more polished age. Usury is scarcely noticed as a cause of complaint under the kingly government. Is it therefore to be inferred that the constitution was so exactly poized during the monarchy, that the rich and powerful were maintained securely in their own possessions and dignities; but that they could not depress nor encroach upon the people? or were there some new habits of life, or fresh means of traffic and occupation which sprung up with liberty, and contained in them all these seeds of individual

wretchedness and public discontent? There exists probably no parallel instance of a people in a state of society resembling that of the Romans, rapidly increasing in prosperity and population, and choosing their own magistrates, in which the lower classes lived under so great a degree of depression; nor is it easy to conceive, in a city so much addicted to war, and so little given to the pursuits of commerce or manufacture, how there should have been such a propensity to the lending and borrowing of money, as seems to belong exclusively to communities of traders, manufacturers, artificers, or cultivators of some peculiarly valuable crops, under a very different condition of things. To have rendered this practice so universal, there must have been unquestionably a greater plenty of money than some writers, and particularly Plutarch, who has been already referred to, suppose: there must also have been some beneficial methods of employing it, by which the borrowers frequently were able, and always might expect to make very considerable returns; for if the annual gain upon capital did not generally exceed twelve per cent, neither the lending nor

Chap. II. borrowing at that rate of interest could have been so common as it is represented: creditors would not have put out their money without a reasonable probability of repayment, nor would the lower citizens have been so ready to borrow, where the loss of liberty and subjection to arbitrary punishment were the immediate consequences of a failure in discharging their engagements.

It is true, that high interest does not of itself indicate a multiplicity of such transactions, but rather the contrary; yet history here, if it deserves credit, speaks of these practices as extremely prevalent, and involving nothing less than the whole inferior classes; so that the high rate must be taken as evidence of the demands of the borrowers being constantly greater than the supply which could be obtained to satisfy them; it is also a proof of the quick and productive return which there was a probability of making in some way that the principal sum was employed, whatever way it might have been. For in this point consists another of the main difficulties; how was the money made use of? was it in agriculture, or in trade? If in the former, what sort of crops were they

that could render such ample and lucrative produce? Were the poor citizens originally the proprietors of the fields which they tilled, and was it by means of debts thus contracted that the rich seized upon and engrossed all these small estates? or were those who ploughed the ground only renters or occupiers, with the use of the landlord's stock and implements? If they were engaged in trade, the general character of the nation has been much mistaken and misrepresented by their own historians, and by all who have followed them. But the embarrassment does not end even here, supposing these questions as to the employment of the capital to be cleared up. The debtors, whenever they became insolvent, were assigned over to their creditors and confined in their custody; to what sort of hard labour were they kept? If it was in the field, how did the ordinary cultivation proceed in the time of the kings, before these condemnations to hard labour and imprisonment were heard of? The territory of the republic increased very slowly in these early times, and could by no means have created a sudden demand for labourers beyond what the ac-

Chap. II. cessions of persons choosing to settle at Rome from the neighbouring states, and the natural increase of population were abundantly sufficient to supply. The class of labourers in husbandry or handicraft was necessarily the lowest of all; they composed the sixth grand division comprehended in one century, and being possessed of no ratable property, were exempt from military service, and from some species of tribute by the regal code, and by the Valerian law from all other assessments whatever: it was not therefore upon these that the grievance of usury could bear hard; for those who were known to have nothing were unlikely to obtain credit; nor did the secession to the Sacred Mount originate with the populace, but with the army; and the unfortunate debtor who gave the original impulse to that memorable movement was possessed of a farm, which he represented as having been ruined by the incursions of the Sabines and by the burdens of taxation. If it should be conjectured that these debtors during their confinement must have been set to work as manufacturers or artisans, besides our ignorance of any one branch of commerce that

flourished in these times, or even later, it must be remarked how little could be gained in a manufactory from the work of men not bred to any particular branch, accidentally collected and set to work against their inclinations under one roof. If they were employed in any handicraft, as masons, carpenters, or smiths, the same remark applies; in addition to which it must be recollected, that there was a great facility in acquiring slaves from the large supply of captives continually taken in war, whose labour would come into competition with that of these temporary convicts, and whose servitude being more durable and complete, would be much more valuable, and better to be depended upon than any modified state of coercion over fellow subjects and freemen. *Chap. II.*

Captives and all sorts of plunder taken in war became the property of the state, and were sold upon the public account under the direction of the quæstors; but the commanders frequently assumed the right of dispensing with the law, and allowed the soldiers to retain what they had acquired, so that they returned home much benefited and enriched after some of their campaigns. *Captives.*

Chap. II.

An early instance of this distribution occurred under Coriolanus, who led an expedition, consisting principally of volunteers, into the territory of Antium, and brought them back so laden with spoil as to excite the envy of those who had remained inactive at home; and one of the tribunes, on the day of his trial, is said by Dionysius and Plutarch to have taken advantage of his violation of the law in this particular, which proved fatal to his defence.

The constant state of warfare which subsisted between Rome and the neighbouring states, must have filled all that part of Italy with slaves of this description. We read of no fewer than four thousand of servile condition being brought to sale, exclusive of all the free inhabitants, after the destruction of some inconsiderable town; and after the great overthrow of the Samnites at Aquilonia, a vast quantity of brazen money, to the amount of 2,553,000 pieces, was laid up in the treasury from the sale of prisoners. Notwithstanding the jeopardy in which Coriolanus was involved, the consuls seem generally to have exercised, without question or control, their discretion in allotting to

or withholding from their companions in arms a share in the spoils. Among a multitude of other examples, we find a remarkable one, not long before the creation of the Decemvirate, when Lucretius, returning with an immense booty from the Volscian war, and twelve hundred and fifty captives, exposed the whole in the field of Mars for three days, that every man might claim and carry off what belonged to him; at the expiration of which the residue which had not been owned was sold on account of the public. (292.)

The property thus acquired by individuals might frequently have been so considerable as to afford to those, whose fortune it was to partake in some of these profitable adventures, the means of paying off their debts, together with the heavy load of usury; and the hopes of similar success in the lottery of war would of course lead others, who wanted money, to borrow, and induce those who could spare it to lend; while the high rate of interest was no more than a natural consequence of lending upon the imperfect security of such gambling transactions.

If this solution does not satisfactorily

Chap. II. explain the whole difficulty of this complicated question, it appears to account for some part of it, at least, in a manner more conformable to the Roman character than any other.

Many passages might be cited in corroboration of it; but there is none more worthy of observation than that in Polybius, where, speaking of the first Punic war, he says, that it was undertaken in compliance with the inclination of the people, and rather in opposition to the wishes of the senate; those who instigated the multitude, having worked upon their hopes of gaining prodigiously by going to war with so wealthy an enemy, and of being able to repair their fortunes, which their wars at home had exhausted.

Upon the taking of New Carthage by Scipio, the same author notices with high commendation the regular system according to which the plunder of captured towns was distributed, by the whole being brought to sale, and the proceeds equally distributed, under the direction of the tribunes, among the soldiery, without regarding whether they had been of the pillaging party, or upon guard, or sick in their quarters: and he

further adds, that it was a part of the military oath taken by every soldier upon entering an enemy's country, that he should neither conceal nor appropriate any booty that might fall into his hands.

Whatever was the cause of this strange relation in which the two grand divisions of the citizens stood towards each other, while the discontent of all those who were loaded with debts or labouring under needy circumstances, wanted nothing but an occasion to burst forth into something more alarming than sullenness and complaint; it happened that an old man, who had born a distinguished part in the military service as a centurion, broke from the confinement of his creditor and appeared in the forum clothed in rags, with the marks of the lash upon his back: he began haranguing those who collected about him upon the wretchedness of his condition, with his little farm ruined by the depredations of the Sabines, his quota of tribute assessed at the full value of his property without any abatement in regard to these unavoidable losses, and the usurious exactions of the rich, more grievous than both. 259. *Ref. Xt.* 493.

The feelings of compassion and indig-

Chap. II. nation naturally awakened by such a tale, heightened by such an appearance, led the multitude to think only what was the readiest mode of revenge which they could take against their superiors; and without reflecting that their own security was involved in the common danger, with the Volscians actually in arms and almost at their gates, they refused to enrol their names as soldiers. They were however not permanently deaf to the voice of conciliation; a temporary suspension of the exactions of the creditors was granted, and a full consideration of their hardships promised; but no sooner was the enemy driven back than this engagement
259. was forgotten or disregarded: the faction of the nobles, headed by Appius, prevailed over the more moderate; while the consul Servilius, by his trimming and duplicity became despicable to all.

Upon a second alarm of war recourse was had to a dictator; and when he had abdicated his office after a victory, and the project of the senate was still to keep the soldiery in the field, they made the first
260. celebrated secession, at the instigation of Sicinius, to the Sacred Mount, about three

miles distant from the city across the Anio, resolving to procure for themselves substantial redress. *Chap. II.*

In this position, the army, without any commander, fortified their camp with the regular precautions, and remained upon that rising ground some days, committing no act of hostility, and unprovoked by any molestation. Their associates within the city, deserted by their comrades in arms, stood in anxious suspense, but afraid to stir; while the patricians, equally alarmed, knew not whether they should wish them to stay or to secede also: they determined however, with more prudence than they had shown in drawing upon themselves this tremendous crisis, to make the first advances towards putting an end to it; and delegated as their spokesman Menenius Agrippa, a popular and eloquent man of plebeian origin, who had been consul nine years before, and was much respected by all parties.

The blunt and familiar way in which he addressed them, by telling them the fable of the members and the stomach, without adding one word of remark, is said to have had a surprising effect in bringing the men

Chap. II. in arms to reason; but they still remained firm to their purpose, and evinced that they wanted neither sagacity nor penetration in the terms which they insisted upon.

260. *Bef. Xt.* 492. A magistracy of their own, to be held always sacred and inviolable, to which patricians should not be eligible, whose duty it should be to protect the people against the consuls, was the sum of their demands; and it is certain that no more comprehensive mode could have been devised by the most experienced politicians, for redressing the grievances which they complained of with so much reason.

The great change in the balance of political power introduced by the creation of these protectors of the people, under the name of Tribunes, was probably not contemplated in its full extent by either of the parties to this convention; but it soon became evident, that if some innovation of this kind was necessary for securing civil liberty, some checks ought to have been interposed to prevent its drawing every thing into its own vortex, and obstructing the wholesome exertion of every other legitimate authority.

There is a doubt as to the names of those

who first held these offices, and even as to the number originally chosen by the assembly of the curiæ upon the Sacred Mount. If only two were elected at first, they seem to have exercised the power of immediately naming three others for their colleagues: and their number continued to be five, until it was doubled just before the Decemvirate. *Chap. II.*

It is further related by Dionysius, that immediately upon their return into the city the people asked permission from the senate to choose two other magistrates to assist their newly elected protectors, by taking off from their hands the care of public works and buildings, the superintendence of the markets, and particularly the causes which were under their jurisdiction; and that the plebeian ediles owed their original to this request: but the functions of the ediles were apparently of a different kind from those which it was the intention of the seceding multitude to confer upon their tribunes; nor is it probable that coadjutors or deputies should be thought of before any opportunity had occurred of ascertaining whether the principals stood in need of such help. We know that the censors were instituted as sub-

Chap. II. stitutes for the consuls in one part of their duty, and the prætors in another; but the consular office was proved to be overbalanced with business before any such relief was applied to it. If therefore the ediles were intended as assistants to the tribunes, they hardly sprung up exactly in the same year, and the description of their duties makes it likely that they were of an anterior date.

Livy makes no mention of them until thirty years after this transaction; and he does it then only incidentally, and without noticing the period of their first appointment.

The interruption of the regular course of agriculture during the secession, and the unsettled state of things which immediately preceded and followed it, occasioned an alarming deficiency in the harvest of the next year: which the consuls endeavoured to relieve by a large importation of foreign corn, part of which was drawn from Sicily;
262. but the consequences of the scanty crop, and of this seasonable supply, brought Rome to the very brink of destruction in a way out of all calculation or probability, and by the means of one of her own bravest citizens.

There was a party among the patricians

who thought this period of scarcity a fit opportunity for recovering the ascendant which they had been obliged so unwillingly to surrender; at the head of whom was C. Marcius, who had recently distinguished himself in the Volscian war at the siege of Corioli, from whence he derived the honourable surname of Coriolanus. But the majority of the senate dreaded new disturbances; they saw the people were resolute and exasperated, and the tribunes eagerly seized this first occasion of converting their defensive powers into those of offence, by summoning C. Marcius to appear before the people upon a day appointed, to answer charges which they would prefer against him. There was no safety for the accused in such a tribunal: those of his own order, after submitting to the novel proceeding of granting the trial to be by the whole people assembled according to their tribes (twenty one in number at that period), and thus giving out of their hands all control that could be depended upon, ventured to exert nothing beyond their good offices, and vainly hoped by their influence over their clients to avert the danger. *Chap. II.*

Indignant at the conduct of both parties,

Chap. II. Coriolanus withdrew before the day of trial, and left the tribes to condemn him in his absence. Banished from the territory of Rome, he withdrew to Antium, and was kindly received by his old enemy and antagonist, Attius Tullus, general of the Volscians, who wanted little encouragement or persuasion to renew hostilities, which had for some time been interrupted.

Never did the throwing of one man into the opposite scale so totally reverse the state of relative power; the Volscians became every where victorious; and after making themselves masters of several towns, pitched their camp within five miles of Rome; those who had so often faced, and beaten the soldiers of Tullus, were subdued by panic, and consternation; the destined mistress of the world poured out the most humble supplications at the feet of her rebellious son, from the mouths of grave ambassadors and venerable pontiffs, without moving his stern spirit
266. or changing his fixed purpose. It was reserved for Veturia, and Volumnia, the mother and wife of Coriolanus, to snatch the guilty laurel from his temples, and to transmit his memory to posterity, as a singular

example of bravery and irresolution, of obduracy and compunction, with a doubt whether his reputation suffered most by undertaking the conquest of his native country, or by not achieving it. *Chap. II.*

What became of Coriolanus after he moved back his camp and listened to terms of accommodation, is variously related. One account mentions Tullus as having been accessary to his death in an assembly of the Volscians which he convoked: but the author who lived nearest to that time, Fabius, reports that he died at an advanced age. The matrons, in gratitude for the deference paid to their entreaties, obtained leave of the senate to mourn a year for him; and the Romans commemorated their deliverance, and the original from whence it was derived, by dedicating a Temple to female Fortune.

The first project of an Agrarian law, the most prolific source of feuds and distractions, from this very early period to the last age of the commonwealth, had its origin immediately after this great danger was at an end. It was brought forward, not as might 268.
have been supposed, by some enterprising tribune, or some candidate for popularity,

Chap. II. but by one of the highest order, and while he held the first office in the state.

A district of land ceded by the Hernici in consequence of a recent treaty, was proposed by Sp. Cassius, one of the consuls, to be divided between the poor citizens and the Latins, to which he talked of adding some further portion of territory which had been converted by individuals into private property, but which he maintained to be legally vested in the public. Whatever might have been thought of all newly ceded possessions, the reclaiming of any thing for the public out of the hands of powerful individuals, could not fail to meet with opposition; the whole proposal was censured; the other consul declared himself against it; and a cry was successfully raised against Cassius, that he was taking steps to raise himself to arbitrary power. Even the populace did not take his part, on account of the share which he intended to assign to the Latins; and no sooner was he out of office, than this ill contrived pursuit of popularity, or of something worse, cost him his life: but such is the confusion and uncertainty of all this early period in the Roman annals, that it is not

ascertained whether it was by the domestic sentence of his father, after scourging him in the plenitude of parental authority, or by a public judgment pronounced by the people, that his life was taken away; but the last supposition seems most probable, from the circumstance of his house having been razed to the ground, which belongs rather to a condemnation by the people than by any domestic tribunal. *Chap. II.* 269.

It would be useless and tedious to follow such questionable and imperfect records into their details, excepting where they are connected with important innovations in the constitution, as in the case of the first Dictator, in the consequences of imprisonment for debt, and in the choice of the first tribunes; or where circumstances brought to light extraordinary characters, like Coriolanus; or where a foundation was laid, as in the case of the Agrarian law, for durable divisions and animosities.

The succession of those who bore the office of consuls, together with a recurrence of prodigies, almost equally regular, and the gradual but slow acquisition of territory from the neighbouring states, is preserved by

Chap. II. Livy, who has made his history conform to this annual rotation, and has set off to the best advantage the scanty materials which his originals afforded, with all that exquisite management, and that dexterous concealment of art, by which he is so eminently distinguished. We learn from him, as the general characteristic of these times, that a series of inconsiderable but sharply contested wars, and of turbulent contentions at home, filled up the active lives of a long line of consuls, whose occupations and achievements in the camp and in the forum, if not exactly the same yet bear so strong a resemblance to each other, like a collection of portraits representing branches of the same family, that it would be extremely difficult, if it were at all material for the general purposes of history, to distinguish them individually.

The Fabian family became eminent beyond all others about this period, enjoying, or rather engrossing the consulate for a course of some years, and keeping down all encroachments of the tribunes. With such preponderance in power, numbers, and consequence, they were not deficient in presumption; which led them to demand, and

obtain of the senate, the entire conduct of a campaign against the Veians, the chief people of Tuscany; in which, at the famous battle near the river Cremera, they gave signal proofs of their courage and constancy; but overpowered by numbers, there were cut off no fewer than three hundred and six of that name and race, leaving only one surviving hope, a youth of fourteen years, destined to render great services to his country in maturer age, and to continue that illustrious stock to which the imperial city was more indebted for its preservation during its greatest struggle than to any other. Dionysius reckons the little army, which was cut off at Cremera, at four thousand men, of which three hundred and six were actually of the Fabian name, and the remainder their clients and dependents. *Chap. II.* 276.

The Tuscans, elated by this victory, and advancing towards Rome, seized and fortified the Janiculan hill, from whence they were, after mutual losses, at length expelled. The short intervals of war seldom failed to be disturbed by domestic altercations and disputes with regard to the allotment of land to the poor. The right of calling to account

Chap. II. by public accusation all whom they chose to denominate offenders against the commonwealth, after the success of the tribunes in the instance of Coriolanus, became a constant and most formidable instrument in their hands for intimidating, or punishing the obnoxious, or the guilty. Several leaders of the patricians were cited before the people, and some of them banished, or severely fined, for their conduct in office. Mene-
278. nius, the son of the popular Agrippa, fell a victim to their displeasure, and died of vexation, after being condemned to pay an ex-
279. orbitant fine; but Sp. Servilius made a manly and spirited defence, and was acquitted. Both these accusations grew out of disasters suffered in the field, while the legions were under the command of the accused, as consuls; so rapidly did this tribunitial poison, as Livy terms it, overspread and mix itself with every department of government, either civil or military, assuming either directly or indirectly a control over all.

More efficacious, but less justifiable means than those which Servilius exerted, were resorted to for the purpose of saving Furius and Manlius, whose crime was resist-

ing, in their consulate, the favourite and almost annual proposal of an agrarian law. The odium of the sudden death of their accuser, the tribune Genutius, on the very day appointed for their trial, fell upon the whole body of the senators, who neither concealed their joy, nor seemed solicitous to deny their share in the cause of it. *Chap. II.* 281.

Genutius had an undaunted successor in Volero, who was raised to the same office, on account of the resistance which he made to the consular authority, and his refusal to be enrolled as a soldier. His plea for refusing was that he had served as a centurion, and therefore was not liable; but the consuls disallowed his exemption, and ordered him to be stripped and flogged. A tumult ensued: the lictors were driven off, and their rods broken: and Volero, when he was invested with the powers belonging to his office, employed them most efficaciously against his opponents, by carrying a law of the utmost importance, which enacted, that all plebeian magistrates should be elected in the assembly by tribes. The innovation was submitted to very unwillingly by the senate, after more than twelve months of contest. 281.

Chap. II. and in consequence of a scene in the forum, between the consul Appius and the tribune Lætorius, and their respective attendants, which was with extreme difficulty terminated without bloodshed, by the interposition and
233. moderation of the other consul. The excessive dislike which the patricians manifested against this new mode of election, originated from the fear of losing all power of influencing the choice of tribunes, by means of the votes of their clients; which, to say the truth, seems to have been a power in theory rather than in possession, for they had hitherto never been able to exercise it to any good purpose.

The mutinous disposition, which was never quiet in the forum, extended itself under the unpopular consulate of Appius to the camp; and the army sustained a voluntary defeat from the Volscians and Æqui, that they might disgrace their general. Discipline was restored by exemplary and numerous executions; for which Appius was cited by the tribunes to answer before the people; but he died or destroyed himself before his cause was finished.

287. An expedient was devised for allaying

the constant ferment in which the city was kept by the renewed propositions for an agrarian law, by settling a colony in Antium, which had been lately surrendered to their victorious arms by the Volscians, and dividing a portion of the ceded territory to such of the poor citizens as should apply for allotments. Very few accepted the offer. The great mass of those who were in the habit of clamouring and exciting tumults in the forum as if they wanted nothing but land to cultivate, stuck to their beggary and discontent at home, and left Antium to be repeopled almost entirely by its former inhabitants, who were admitted as colonists to supply the deficiency. In some other instances the murmurs and discontents of the people were better founded. There was no written and comprehensive code of law by which their rights and duties were defined and ascertained; the consuls endeavoured to enlarge their jurisdiction, and extend their prerogative: the unlimited pretensions of that magistracy began to render it odious; and the tribunes omitted no occasion of enlarging upon the misery of living under vague and

Chap. II. unknown laws, which became a fair subject of loud complaint and popular agitation.

292. C. Terentillus was the original mover of a proposal to appoint commissioners to establish a permanent system of regulations as to the authority of the Consuls, which led some years afterwards to the extraordinary powers vested in the Decemvirs, and to a short but entire change in the government of the republic.

In the midst of these disputes, an unforeseen danger sprung up from a gang of slaves and exiles, between four and five thousand in number, headed by Ap. Herdonius, a Sabine, who gained possession of the Capitol in the night; and it was with extreme difficulty that the people, intent upon nothing but carrying their point of law against their political adversaries, and discouraged by their tribunes from taking up arms, could be brought to act in repelling their common enemy. The Tuscans came in promptly with an efficient force, and rendered good service in this extremity. The consul P. Valerius
294. succeeded in recovering the citadel, but with the loss of his own life.

It is with pleasure that we find a character

of moderation, integrity, and virtue start into notice in the midst of the avaricious rapacity of the rich, and the factious perversity and want of patriotism of the many. L. Quintius Cincinnatus, who had been more than once consul, was called from his little farm of four acres across the Tiber, which he was actually cultivating with his own hands, to fill the high post of dictator, when one of the consuls, Minutius, was besieged by the Æqui in his camp. In revenge for the indignity, Cincinnatus obliged the enemy to pass under the yoke, and returned in triumph. The authority of his office was further made use of for the salutary purpose of bringing a false witness to trial and punishment, which would otherwise have been obstructed by the tribunes; for M. Volscius the culprit had, by his information and suborned testimony, been useful to their designs in bringing a charge of murder against the dictator's son Quinitius Cæso, one of the leaders of the young nobility, which drove him into exile, and reduced the father to sell the greatest part of his small property for the purpose of making good the sum forfeited by the sure-

Chap. II.

296.

Chap. II. ties who stood engaged for the appearance of his son.

An occasion of hostilities renewed by the Æqui in conjunction with the Sabines, afforded to the people, as a condition of their enrolling for service, the means of extorting a fresh concession; they required that the number of tribunes should be doubled, which was conceded accordingly, thirty six years after their first creation; but it was enacted, as some sort of check, that two should al-
297. ways be chosen out of each of the five classes, so that some of them might be men of the largest property, and not entirely selected from among those of low degree.

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CHAPTER III.

Decemvirate.

UPON the other point in controversy, the reform of laws, which had filled the city with confusion and disturbance, and indeed with every sort of violence short of bloodshed, since it was first proposed by Terentillus, a 300
compromise was agreed upon, and three ambassadors were despatched to Athens for the purpose of examining the code of Solon, and the institutions and polity of other Grecian states. Upon their return it was determined that there should be an entire suspension of the constitution; that ten magistrates should be nominated without appeal for one year, with absolute authority, and that no other magistracy should exist during the year. The 303.
plebeians consented after some demur and struggle, that these legislators should be all patricians; and in their excessive zeal for a

Chap. III. digest of unknown laws, they committed all those which they had lived under, with the exception of the Icilian, which allotted Mount Aventine for the habitations of the people, and the other sacred laws, as they were termed, respecting the tribunitial power, to the uncontrolled discretion of a commission with unlimited jurisdiction, at the head of which they concurred in placing Appius, one of the Claudian family, to whose principles they were no strangers.

During the first year they had no reason to regret the unbounded confidence which they had reposed in them; considerable progress was made in the digest, and the ten tables of laws which were first promulgated met with universal respect and approbation; but the work was not complete; it was suggested that two additional tables would be necessary to embrace the entire system, and it was resolved to continue the commission for another year.

2d year. Appius was seen caressing and canvassing the people to procure his own reelection, and throwing all the obstacles that he could devise in the way of his colleagues; and being appointed to hold the election, which ought

to have excluded him as a candidate, he returned himself in the first place, together with nine others every way inferior in dignity and character to those whom they succeeded. *Chap. III.*

From that day he boldly threw off the mask, and began a reign of terror with the parade of one hundred and twenty lictors following himself and his colleagues, like so many kings, into the forum. Every thing was transacted with partiality, rapacity and violence; neither the lives nor fortunes of the people were safe, and the young patricians assisted in trampling upon and insulting them. The year expired; but nothing was said of holding an election of new magistrates; the ten commissioners continued to exercise their tyranny, and the spirit of the people seemed depressed and broken; their champions were mute in the forum, and the sense of individual jeopardy appeared to have stifled all public feeling: with so much less difficulty is liberty destroyed than it can be recovered. 304. *3d year.*

It is curious to trace in this pure age of genuine republicans the same indigenous character which made their posterity, some

Chap. III. centuries later, the most patient and abject of slaves under the worst and most intolerable of tyrants. They defended themselves with no better courage against their foreign enemies, the Æqui and Sabines, from whom they received a signal defeat; and the Decemvirs, more intent upon gratifying their private malice than upon avenging their country, took an occasion which the war afforded for procuring the murder of L. Siccius (or Sicinius Dentatus) a brave soldier and a firm friend to liberty, who had often distinguished himself in the field as well as in the forum, and whose offence consisted in holding private conversations for the restoration of the tribunitial power, and in endeavouring to persuade the army to redress their wrongs by seceding from their unworthy commanders. There were found among his comrades in the camp some vile instruments, who undertook and clandestinely executed this execrable order of the ten tyrants; but the mode of his death was soon discovered, and his companions in arms were hardly diverted by the pomp of a public funeral, which was ordered for him by those who compassed his death, from

carrying his body to Rome, where the sight of it would probably have kindled that spirit of revenge in a multitude ripe for revolution, which was produced by the corpse of Virginia not many days afterwards. The same cause put an end to the decemviral as to the regal power; and the lust of Appius, equally fatal to its fair and innocent victim, was no less instrumental in restoring the commonwealth, than that of Tarquin had been in giving birth to it. *Chap. III.*

Virginius the father was absent with the army, in which he held an honourable rank as centurion: Icilius her destined husband remained in the city, a popular man, who had served the office of tribune. The Decemvir having in vain attempted to gain the object of his desire by solicitation and promises, had recourse to fraud covered by legal authority; he directed one of his clients of the Claudian name to claim Virginia as his slave, asserting that she had been stolen in her infancy out of his family, and reared supposititiously as the daughter of Virginius.

The pretended master laid hold of her as she was coming into the forum where her school was, attended by her nurse; and the

Chap. III. cause was immediately brought before Appius. It was with difficulty that the threats of Icilius and the murmurs of the multitude prevailed upon him to defer his decision until the next day, and in the mean time to suffer Virginia to be taken back to her father's house. His friends lost no time in sending to the camp for Virginius: Appius despatched orders to his colleagues to detain him, but the first had performed their mission before the arrival of the others; and the unfortunate father was present at the tribunal when Appius gave judgment for the pretended master, and pronounced that his daughter had been born in bondage.

The lictors and armed guards were removing the indignant but submissive crowd, when Virginius in an humble tone begged permission to say only a parting word to his daughter, and to put some questions for his own satisfaction to her nurse; after this was granted, he drew her a little aside towards the shambles, and snatching a knife from a butcher, he plunged it into her breast. "With this blood, Appius, I devote your head!" were the first words which the unhappy father pronounced, holding up the

reeking steel to the judge. The multitude thronged round and kept off the officers who were sent to arrest him; at last Appius himself, furious with indignation and disappointment, accompanied by a party of young patricians, rushed into the throng. Icilius, and her uncle Numitorius, took up the bleeding body of Virginia, and exhibiting it to the people, boldly exhorted them to break through their intolerable bondage. The multitude, as if they were roused out of a long sleep, caught the grateful sound of liberty enthusiastically and universally: nor was the whole body of patricians united in favour of the Decemvirs: L. Valerius and M. Horatius put themselves at the head of the popular party; the rods of the lictors were broken; the party of Appius was obliged to give way, and he himself apprehensive for his life withdrew unobserved from the scene of tumult. His colleague Sp. Oppius came too late to assist him; he found that resistance was vain, and he was persuaded to convene the senate. *Chap. III.*

Upon the return of the unhappy father, with a great number who accompanied him to the camp, there was no less movement among the military; they pulled up the 305.

Chap. III. standards, and marching directly to Rome, took post upon Mount Aventine, expecting some communication from the senate. But when they found the fathers losing time in disputes, the Decemvirs still retaining their office, and nothing satisfactory settled, they retired peaceably to the Sacred Mount and formed their camp. They were followed by almost the whole population of Rome, with their wives and children. The desolation of the city brought the senate to a desire of terminating the disagreement, and the Decemvirs at last were prevailed upon to put themselves in the power of the senate, endeavouring however to stipulate for their personal safety.

Valerius and Horatius were sent with full powers to the camp: the demands of the people were, the restoration of the tribunitial power together with the right of appeal, and indemnity for their secession; in addition to which, they were hardly dissuaded by the two popular patricians from annexing a requisition of the persons of the Decemvirs to be delivered up to them. The senate decreed that the Decemvirs should as soon as possible abdicate their office, and that the

high priest should preside at the election for restoring the tribunes; they were accordingly chosen before any other magistrate; and one of them proposed a resolution that the consular power should be restored, reserving to the people the right of appeal. The senatorial ambassadors were chosen consuls, not much to the contentment of their own order; for there were among them many who thought that whatever security was given to the people, was something surreptitiously taken from their own property or dignity. *Chap. III.* *Tribunes.* *Consuls.*

Two laws were proposed by the consuls in the assembly by centuries; the first ordaining, that whatever was passed by the commonalty in their assemblies by tribes, should become law, and bind the whole people, without excepting the patrician order; by which summary enactment the most powerful of all weapons was added to the tribunitial encroachments, and a fundamental change again effected: the other was little more than the reenactment of one of the Valerian laws, that no magistrate should be ever created without appeal, making it justifiable to put any man to death who should act to the contrary.

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A further degree of inviolability was given to tribunes, ediles, and judges; and it was provided, that the decrees of the senate should be deposited with the plebeian ediles, and no longer left in the custody of the consuls, who used (however unaccountable it may appear) to suppress or alter them almost at their pleasure. The whole code prepared by the Decemvirs was engraved on twelve tables or plates of brass, and hung up in public.

These securities for liberty were followed by the trial of Appius, whom Virginius cited on account of the sentence he had pronounced against his unfortunate daughter. A crowd of young patricians still attended Appius in the hour of his calamity, which created indignation rather than respect; but the assembly were surprised as well as gratified, when they heard the most insolent and despotic of mankind solemnly making his appeal to the people and to the tribunes, against being treated as a criminal before his cause was tried. The trial was deferred, and Appius committed to prison; where, before the day to which the hearing was adjourned, he destroyed himself.

Sp. Oppius, who had remained at Rome and was more implicated with him than the rest, was also brought to trial on the accusation of Numitorius uncle of Virginia, and ended his life in gaol in the same way, before judgment. Their eight colleagues were suffered to go into banishment, and the property of all was confiscated. Claudius, the vile instrument of his patron, after condemnation, had his life spared by the intercession of Virginius, and spent the remainder of his days at Tibur. *Chap. III.*

The celebrated labours of these ten commissioners, comprised in the twelve tables, did not disappoint the expectations which were entertained of the result of that delegation; they were rated in the first rank of legislative institutions by the statesmen, jurists, and philosophers in more enlightened times, and formed the basis of the Roman code, which in process of time overspread the world. The laws themselves come down to us in a most incomplete and mutilated state, as they are accidentally quoted by piecemeal in various writers. As far as we can judge from these remains, little use appears to have been made of the researches of their three am-

Chap. III.

bassadors, who were despatched into Greece to collect the best models of jurisprudence from the fountain head; nor was the great constitutional point settled or even touched, in which the whole proceeding originated, which was the fixing and assigning limits to the executive or consular authority. Upon many other fundamental matters affecting the political rights of the citizens, the functions of the several magistrates, the legislative and judicial powers, there is almost an equal silence. The most prominent cause of all the distractions in the state, the debts contracted by the lower order, if it was indeed attended to, was not treated in a way which promised to afford any relief, or to promote a spirit of conciliation. Supposing that they reduced the rate of interest to one per cent it was an absurd and impracticable regulation, wholly inapplicable to the habits and manners of that time; but if the true meaning of their law was twelve per cent, they probably left the practice to take its course; without providing any adequate remedy against the intolerable sufferings to which the debtors were exposed. The second main spring of discontent, the division of conquered land, was entirely

omitted, and the root of that evil was left to increase and multiply, without the least endeavour to check or regulate it. Whether any degree of human wisdom could have devised expedients to correct or mitigate these two constant and growing sources of distraction, may be doubted; but no set of lawgivers could be so blind as not to discern the dangers with which they were fraught, and it is surprising that they gave up the point in despair, without attempting a remedy. On considering all the circumstances which attended the creation of the Decemvirate, the reformation of the laws was not perhaps the object seriously in contemplation by either of the two great parties which concurred in it. The people wished at any rate to free themselves from the galling yoke of consular authority, and the patricians to obtain some repose from tribunitial encroachments; the former carried their point by putting an end to the consulate for a time; and the latter no longer opposed it, when they could place absolute power exclusively in the hands of their own order.

CHAPTER IV.

Military Tribunes.—Siege of Veii.

Chap. IV. THE Sabines, with the Æqui and Volsci, who seem unaccountably enough to have suspended their successful inroads during the weakness and disunion of Rome, afforded to each consul a triumph by attacking her when renovated and united. The senate, whose envy and malignity denied to the two popular magistrates an honour so well merited, had the mortification of seeing the tribes interfere with that branch of their accustomed prerogative; and on the motion of Icilius the consuls were allowed to triumph. This however was not the first instance in which the exclusive right of the senate had
(258.) been disregarded; for P. Servilius in earlier times, during his shortlived popularity, had obtained the same distinction against the consent of the senate.

In the year after the expulsion of the Decemvirs there was a project among several of the tribunes, of whom Icilius was the foremost, to continue themselves in power, and, as a cover for their own ambition, to procure the reelection of the two favourite consuls for another year; but one of the tribunitial college M. Duilius opposed his colleagues, as did also both the consuls. What followed was extremely singular; upon holding the assembly by tribes for the election of tribunes, at which Duilius presided, only five candidates had the requisite number of votes to render them qualified for the office; and in consequence of this failure the five tribunes elect, in conformity to an existing law (the words of which are recited in the Roman historian) took upon themselves to nominate five others for their colleagues; and in this appointment they so far courted the good opinion of the fathers as to choose two of the number, not only of patrician blood, but of consular dignity, both of them having born that high office six or seven years before. No objection was made to this extraordinary proceeding; nor was it attempted to disqualify the two nobles. But

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Chap. IV. no later instance is recorded of a recurrence of the same mode of choosing, which there is reason to think must have been abolished by an alteration of the law, upon the motion of one of the tribunes before the expiration of the year.

Anomalies like this open many questions upon great constitutional points, with regard to which we wish in vain for more satisfactory answers than the facts themselves, as given by ancient authors, or the best conjectures of the moderns, afford us. It might have been presumed, in speaking of the tribunes, that the very law by which they were created was not more sacred than the exclusive right of the plebeians to hold this office; while it was a regulation equally fundamental, that none but patricians were eligible to the consulate for fourscore years after the decemvirate. What then was the condition of these two tribunes? Had they been consuls without being of patrician blood, or were they tribunes and not of plebeian?

These two individuals however, whether belonging to the highest or lowest order, were at any rate regular members of the

senate; for they had served an office which gave them a permanent seat there: but how are we to account for finding a plebeian in the senate house three years later, an old member too, who had never served any office in his whole life? Yet such was the precise situation of the first person of that extraction, who was chosen for one of the military tribunes. With regard to Menetrius Agrippa, who was also of plebeian original, though he had been consul, it may be admitted as a fair conjecture, that he was one of those knights enrolled among the senators by Brutus, which is particularly mentioned to have been a mode of filling up the vacancies highly acceptable to the people, and calculated to cement the union of the two orders. This addition to the senate, which was naturally one of the first acts of Brutus, is ascribed with less probability by Plutarch to Publicola, who reckons the number wanting to complete the three hundred as being no fewer than one hundred and sixty four. *

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The mode of filling up the senate upon extraordinary emergencies, and of keeping it full in ordinary times, presents nothing but a continuation of the same difficulties. The

Chap. IV. general current of history affords a strong presumption that the kings at first, the consuls in the second place, and lastly the censors, had the entire right of appointing, and the latter of removing also: yet there are high authorities, both ancient and modern, which countenance an opinion, that the right constantly existed in the people, although they delegated the nomination to those several magistrates in succession, without ever directly interfering with them. A passage in Livy is much relied upon, which expressly states, in the speech of Canuleius, that during the monarchy, the senators were chosen by the kings, but after the expulsion of the kings by command of the people. Certain it is that the people annually sent several members into the senate house by electing magistrates who sat there by virtue of their offices, but that the direct power of choosing, (if ever it belonged to them,) remained, for any thing that appears to the contrary, entirely dormant. A large addition was necessarily made every year to this body by the regular routine of curule magistrates: and such a continual influx must have rendered it extremely difficult to keep the

number to any fixed standard; for, if the complement was never to be exceeded, it might of course be full in any one given year: what then became of all the curule magistrates subsequently elected and entitled to sit? Were they obliged to wait for vacancies, or were they admitted to sit as supernumeraries, or were they entirely excluded because the house was full? Some persons were unquestionably privileged to sit and give their opinions in the senate besides those who were senators in full right, for in the old form of summons to the senate house words of that import were used; and at the time of filling up the vacancies after the battle of Cannæ, the dictator first enrolled those who had a right to be placed upon the censors lists by virtue of the offices which they had served; and it may be fairly inferred in the remaining order which he observed, that he only followed the accustomed rule prevailing in the sixth century: this gradation was first ediles, next tribunes, and thirdly quæstors. The rank of the plebeian ediles stood high before the decemvirate, for upon the death or incapacity of the consuls during a visitation of the plague, the

Chap. IV. whole executive power and consular functions devolved upon them: they were therefore in all probability members of the senate, which they had authority to call together; and if the ediles sat there, were not the tribunes there also, who were superior officers to the ediles?

The offices which gave seats in the senate house, with the exception of the consuls and censors, varied in point of numbers at different periods: the prætors, for example, were added to more than once; the tribunes were doubled; the quæstors were increased first to four, then to eight, and lastly to twenty by Sylla, which he is said to have done for the express purpose of supplying the senate. Is it credible that all these annual offices conferred an absolute right of sitting in the senate house, both during the time of holding them, and after the expiration of the office, during life? and that this was so vested an interest that the enrolling by the censors at the next lustre was no more than a matter of form, which could not be denied to them except upon the charge and notoriety of some crime for which every other senator was equally liable to be de-

graded? With regard to the tribunes alone, supposing ten to be added every year to the senate, while the whole list contained no more than three hundred, it must surely have happened that so large an infusion of the plebeian order must, in the lapse even of the first ten or twenty years, have effected a radical and complete alteration in the general character of that body, unless the tribunes cast off all their former ways of thinking and acting upon assuming the senatorian dignity. In the first years however of the tribunate, these protectors of the people undoubtedly sat only at the threshold or vestibule; nor is it recorded at what precise time they gained their remove into the body of the house: but we are sure that their strides to power were rapid, and that as early as the time of Canuleius, he harangued by virtue of his office, as tribune, in the senate house. Icilius was the first who took upon himself to order the senate to assemble, some years before. The twenty quæstors elected every year from Sylla's time, without any assistance from consuls, prætors, ediles, and tribunes, must have afforded a larger annual supply than the average number of deaths

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Chap. IV. (for there were no other regular vacancies) could have made room for, even when the number was enlarged by the same power to five hundred.

After the filling up of the senate by the elder Tarquin, the tyranny of the last Tarquin made an unusual number of vacancies. The next occasion upon which another great diminution happened was in the year of the battle of Cannæ, when eighty of that body were left upon the field. The carnage under the direction of Marius, and the proscription of Sylla, was the third period of extraordinary mortality; but in every other time the senators were not particularly exposed in war, and in the numerous recurrences of the plague we do not read of any large proportion of that rank who fell victims to it. Dion Cassius mentions a special admission of supernumeraries into the senate house, the censors having upon one occasion permitted the entry of all those who had served any of the enumerated offices, without re-
(693.) gard to the number already sitting; but this is a solitary instance occurring at a late period of the commonwealth, and it would be unreasonable to infer from it any general

rule with regard to the usual practice. It is likely that the regulations applicable to the senate underwent many variations, as indeed what part of the constitution did not? and one cause of our mistakes and difficulties is, that we collect detached passages relating to the same subject, but to different times, and out of them we try in vain to form a whole, or arrange a connected system. *Chap. IV.*

The Atinian law belongs to the seventh century, the author of which rendered himself notorious by the vengeance which he took upon Metellus, who, as censor, had expelled him from the senate. The furious tribune was with great difficulty prevented from precipitating him from the Tarpeian rock; but when his life was saved by the intervention of another tribune, Atinius proceeded to deprive him of his whole property by a regular form of consecration, against which however Metellus seems to have found some means of redress, so as to have suffered no permanent prejudice. The substance of the law itself is by no means ascertained: one version of it imports, that it directed none but senators to be chosen as tribunes; but the other and more probable account is, that it (622.)

Chap. IV. gave to the tribunes seats in the senate, as matter of right, without the intervention of the censors.

The age and qualification for a senator afford two other points of doubt; the first of which probably, and the latter certainly varied at different periods of the commonwealth. In Polybius's time the age of admission seems to have been twenty seven, as it was the term for holding the first civil office; in Cicero's time it was thirty one: but there are some few instances in early times of persons being elected consuls when very young, particularly Valerius Corvus, when he was no more than twenty three years old; the second Scipio was only of an age to canvass for the first office of edile; and young Marius was not more advanced in life. Tacitus says expressly that in former times there was no limitation as to age, but that young men distinguished by their abilities, however young, might be chosen dictators or consuls. The first law for enacting a precise regulation upon this head, is known by
(574.) the name of the Villian. No qualification as to property was at first required, according to Pliny; and while poverty continued honour-

able, and dictators tilled their own fields, the circumstances of some of the most considerable men hardly placed them above indigence: but the whole constitution was fixed by Servius upon the basis of property; and if no particular fortune was required for one of the highest dignity, it was a departure from the general rule which he intended to pervade the entire frame of his institution. In the later ages of the republic the qualification amounted to between £6000 and £7000 of our money, and it was raised by Augustus to one half more. The whole fortune, according to the census for a knight, was in Cicero's time about £3229, and double for a senator. *Chap. IV.*

A transaction between the two neighbouring communities of Ardea and Aricia occasioned a difference of opinion between the higher and lower orders, in which the latter disgraced themselves by their selfishness and partiality; it was a question of title to some 309
landed property which was referred to the arbitration of the Roman people, who adjudged it to neither of the two claimants, but kept it as their own. This decision is mentioned by their historians with the reprobation which it deserves: the senate

Chap. IV. however, who with the consuls gave all the opposition they could to this scandalous pro-
313. ceeding, found means some years afterwards to make, without directly reversing the award, compensation for the injustice. The Romans in general availed themselves of more plausible pretences; but it might not perhaps be difficult to find during the best times of the commonwealth, many instances in their conduct towards foreign states of a piece with this transaction, which their historians have not noted with the same disapprobation.

Hostilities continued, with short interruptions, against the small adjacent states; who, though so often conquered and repressed, took every opportunity which their own circumstances, or the distracted state of Rome presented, to renew their incursions, and to plunder the territory.

The people, when the enemies were almost at their gates, continued frequently to stand out, refusing to enroll; and the senate was obliged to sacrifice one distinction and privilege after another, to prevail upon them to defend their common country. The points contended for with equal pertinacity and

vehemence were frequently of very different importance; but the temper of the two orders was unfortunately such, that whatever was asked by the one was constantly refused by the other: concessions, even when they were made, came with an ill grace, and upon compulsion: and the aristocratic party might perhaps have been able to resist effectually some of the unwarrantable demands which were made upon them, if they had shown less reluctance in acceding to such as were reasonable, and fit to be granted. Among the instances of their ill judged resistance, may be classed the clamour and agitation which were excited by the demand of the right of intermarrying between the two orders; among the matters of high importance, the question of making plebeians eligible to the consulate: both of which were proposed by the tribune Canuleius. The first was conceded under the terror of the Æqui and Volsci, in the field; the other was evaded for a time, but not without an actual suspension of the consulate itself. It was agreed as a matter of compromise, that military tribunes should be created in their stead; and that this new office should be open to both orders

Chap. IV. The issue of the election afforded a striking instance of the moderation and judgment of the people in the midst of their irritation, which corresponded as little with the hopes of their leaders, as with the apprehensions of the patricians; for they chose not one of the three new magistrates out of their own order. So much less easy is it to impose upon a multitude in particulars, where the qualifications of one candidate are to be compared with those of another, than in general propositions, which are less within the reach of their observation or understanding.

This change in the form of government in the first instance did not last out the entire year, on account of some defect in taking the auspices previous to the election; and the leaders of the commonalty returned without reluctance to a magistracy for which they were not legally qualified, rather than expose themselves to the disgrace of a second repulse in one from which the sense of their fellow citizens excluded them, and not the law.

The office of censor had its origin about the same time; which from humble beginnings, being intended principally to relieve

the consuls from the trouble of numbering and registering the inhabitants, became inferior in consequence and power to few employments, and in dignity to none. The 312.
office was at first created for five years, which was considered as the regular interval between the lustres, as they were called from the solemn lustration of the city that closed the ceremony of taking the census: but these periodic times were not strictly adhered to, and upon an average of the seventy one lustres, which are upon record from Servius Tullius to the beginning of the eighth cen- (703.)
tury, the intervals between them appear to be about six years and a half instead of five. The duration of the magistracy itself was shortly afterwards abridged to eighteen months: but so high had even the early 321.
censors carried their power, that the dictator Mamercus Æmilius, as soon as he had abdicated, was struck out of his tribe, and loaded with a heavier proportion of tribute, eight fold in amount, in revenge for having proposed this law of limitation which they so highly resented. Æmilius was notwithstanding this degradation, which all men exclaimed against, nominated dictator again.

Chap. IV. and we find many similar instances in which stigmas of the same kind left no permanent marks, both in the good, and bad times of the commonwealth: during the former, the justness of popular opinion, exerted sometimes authoritatively, and oftener tacitly, was able to correct the hasty or arbitrary decisions of the censors; during the latter, the integrity of the censors was unable to give countenance and effect to the old maxims of their ancestors against the prevalent corruption and profligacy of their cotemporaries.

The visitations of famine recurred not unfrequently in this period: of which in particular one lay so heavy upon the poorer inhabitants, that many of that class put an end to
315. their insupportable distress, by throwing themselves into the Tiber. No foreign grain could be procured, except a very moderate quantity from Etruria; and the measures taken by the government aggravated rather than alleviated the pressure. This state of misery, added to the general dissension always prevailing between the high and the low, inspired an ambitious and opulent man of the equestrian order, Sp. Mælius, with a design of subverting the constitution and making

himself king: the method he took for gaining popularity and influence was by distributing corn to the populace, of which he had provided a large supply. He held frequent meetings in his house, where he had collected a quantity of arms: the tribunes were in his interest, and corrupted by bribes to support him; and the plan was almost ripe for execution when it was discovered to the senate by L. Minutius, who had been appointed, on account of the scarcity, prefect for the supply of corn. It was thought hazardous to trust to the ordinary resources of government in this extremity of imminent danger, and the laws relating to appeal, which were always considered by the patricians as framed for the purpose of dissolving all subordination, restricted exceedingly in a case of this nature the jurisdiction of the consuls: recourse was therefore had to a dictator, and L. Quintius Cincinnatus, at the age of more than fourscore years, was pressed reluctantly once more into the service of his country. *Chap. IV.*

On his first appearance in the forum, he instantly summoned by his master of the horse, C. Servilius Ahala, the suspected

Chap. IV. knight, to appear before him. Mælius withdrew among his partisans, imploring their assistance; when an officer of the dictator laid hold on him, from whom he was rescued by those about him; but Ahala following, and pressing upon him, laid him dead in the midst of the crowd, and returned to Cincinnatus covered with his blood. The dictator called together the tumultuous assembly, harangued them boldly in justification of Ahala, and concluded by declaring that all
316. memorials of such a traitor as Mælius should be destroyed, and his property confiscated. Accordingly he commanded that his house should be forthwith levelled to the ground, and that the quæstors should sell what he was possessed of for the benefit of the public. His stock of corn was divided at a moderate price among the people.

The colony of Fidenæ revolted, not for the first time, about this period, to Tolumnius king of Veii, adding to their defection the atrocity of putting to death four legates from the parent state. The king, who had instigated them to this crime, received his just reward in battle from the hand of A. Cor-
318. nelius Cossus, who dedicated his spoils to

Jupiter Feretrius, in the temple set apart for them by Romulus. *Chap. IV.*

Both the date of this action, and the station which Cossus held, are uncertain: the older writers uniformly attributed to him the rank only of tribune in the army; but Livy inclines to believe that the battle was fought seven years later than he places it in conformity to the accounts of preceding authors, and that Cossus was consul; for which he quotes no meaner testimony than that of Augustus, who affirmed that he himself had read that title upon the linen breastplate belonging to the armour of Tolumnius, when he restored the sacred repository of these trophies, which was fallen into decay. Fidenæ was taken in another war by sapping; and utterly destroyed some years afterwards upon a fresh revolt, which was the seventh, 327.
and aggravated by a repetition of the same barbarity.

The tribunitial power, which was so often adverse to the senate, was in one of the wars with the Æqui and Volsci, called in to assist its authority. The consuls had suffered a defeat in Algidum, and were urged to name a dictator; which, when they refused to d

Chap. IV. on the requisition of the senate, they were compelled to comply with by the tribunes, who threatened to commit them to prison if they persevered in their contumacy; this presumption was acquiesced in without any remonstrance or protest from the senate, though the consuls themselves complained
353. loudly against such an extravagant encroachment. About thirty years later the tribunes again lent their aid to the senate, and in the same violent way, by threatening the military tribunes with imprisonment.

Strange and incongruous to all rational notions of government as it may appear that the supreme magistracy of the state should be interrupted in its functions, and degraded by imprisonment, it was a threat really carried into execution in later times
(614.) by Curiatius, whom Cicero specially men-
(661.)
(692.) tions as the first, and in later times by Drusus,
(693.) Flavius, and Vatinius; so unaccountable, and in some respects so absurd was the constitution of the republic! Instances of the same extravagant pretensions had occurred also at former periods, two of which in particular led to alarming scenes of tumult, but terminated without actually effecting the inroad

upon the consular authority which was attempted by the popular magistrates; the first of these has been already touched upon in the dispute between Lætorius and the consul Appius, when the head of the executive government would unquestionably have been seized and dragged to prison by the tribunitial pursuivants, if those about the consul, with the young patricians, had not made a vigorous resistance and driven them away. 283.

In the second case, as given in detail by Dionysius, Icilius and the other tribunes ordered the ediles to seize the consuls and throw them into prison, when they were actively employed in the execution of their office, enrolling the people for the army: a tumult arose, and the tribunes were beaten off. They cited the consuls to appear before the assembly of the people to answer for the riot, and there the matter dropped with regard to the consuls, who did not obey the summons; while the turbulence of the multitude was for the moment diverted into another channel by the pursuit of the Agrarian law: but the consuls, when out of office, were nevertheless brought to trial before the people, 299.

Chap. IV. and fined, Romilius to the amount of 10,000, and Veturius of 15,000 pieces of brass.

The right of inflicting capital punishment was assumed by the same encroaching set of tribunes, with Icilius at their head; and
293. an unfortunate lictor was very nearly thrown from the Tarpeian rock by their command, for daring to obey the consul in laying hold on one of their pursuivants. No legal nor constitutional means were resorted to by the senate, nor seem to have suggested themselves for saving their officer; they had recourse only to entreaties, which, though openly rejected in the full insolence of upstart authority, prevailed with some of the college to let the innocent instrument of aggression escape clandestinely.

A period of truce suspended all foreign hostilities, which might probably have been of longer duration, if a season of drought, attended by epidemical disorder (the recurrence of both which calamities is noticed not unfrequently in these times) had not presented to the Veians what appeared a favourable opportunity of breaking it: their ultimate success was however no better than at other periods; and it cannot but excite

surprise, that after so long a series of defeats, with few brilliant intervals of prosperity interposed, there should have been resolution and resources enough in these and the other neighbouring states, to renew hostilities in which they are constantly represented as aggressors; and on the other hand, that the Romans, with that almost constant preponderance of force and fortune (if the repetition as well as magnitude of their victories can be depended upon) should have been so long employed in completely subjugating them. Livy's accounts of the numbers slain are so prodigious, that it is difficult to conceive how the population of such moderate territories as belonged to these independent communities could supply such losses: but it is probable that the frequency and importance of these campaigns were magnified through the mist and indistinctness which antiquity spread around them; and that the consular families indulged a natural vanity in exaggerating or inventing the achievements of their ancestors. It should be recollected, that the numbers who fought at Cremera on the Roman side, as it is positively asserted by Livy, were only three

Chap. IX. hundred and six persons; when a single family was thought equal to undertake the burden of an entire campaign.

An important constitutional question came into dispute in the course of these wars, which was, whether the right of declaring war should continue to be vested in the senate alone, as had been the practice, or whether the concurrence of the people should also be necessary; and the people gained this point, which is of no inconsiderable importance in every free government.

328. Bef. Xt. 424.

Dionysius says, that in the reign of Romulus the people had a right of deliberating upon questions of war, when referred to them by the king; but then the concurrence of the senate was also necessary to sanction their resolutions.

A dreadful visitation of the combined calamities of famine and pestilence gave birth to strange and superstitious illusions and apprehensions. Fanaticism was set to work, and new modes of expiation were resorted to, in the hope of finding some supernatural assistance more efficacious, or more propitious than the gods of their fathers. Teachers of unknown rites, the priests and

pretended missionaries of foreign divinities were eagerly listened to; and designing men were not wanting, who under the semblance of inspiration and revelation from above, converted to their own profit the gloomy forebodings of minds depressed under misfortune. *Chap. IV.*

The senate interposed to suppress these innovations, giving it in charge to the ediles to allow no adoration to be paid, excepting to the known and acknowledged gods of their ancestors; and even to those in no other way than had been accustomed in old times. 327.

The Romans readily enough admitted, under particular circumstances, foreign divinities; as after the fall of Veii, Juno and the other deities which were worshipped there, were brought into the city with extraordinary solemnity; and upon occasion of some epidemic disorder, Æsculapius was sent for from Epidaurus, the supposed place of his nativity, and a temple built to him upon the little island in the Tiber, to which this newly adopted god swam out of the galley, for he came in the shape of a huge serpent. The conveyance of a large sacred stone out of (461.) (547.)

Chap. IV. Phrygia, which passed for the mother of the gods, towards the end of the second Punic war, was another instance of the same kind, performed with no less pomp, and undertaken in consequence of similar oracular warnings. But the spirit of the polytheism established at Rome was so far from being universally tolerant, or permitting to every citizen the free exercise of the worship to which his fancy or his conscience might direct him, that we find a law passed by the people on the authority of the senate, in the (449.) middle of the fifth century, expressly prohibiting any temple or altar from being erected or dedicated without the order of the senate, or of a majority of the tribunes of the people: and the whole tenor of their history evinces that their religion was as much prescribed by the ordinances, and remained as much under the jurisdiction of the state, as any part of their civil polity. So strong indeed were the restrictions upon private opinion in this respect, and so jealous were the Roman maxims of any thing tending to alteration or innovation, that even the most secret communications and consultations with the Supreme Being were under

control. It was neither allowable to have recourse to auspices, nor to inquire after oracular responses which had not been consulted by their ancestors. Lutatius, whose character stood high from the glorious end which he put to the first Punic war, was expressly forbidden by the senate from applying to the prophetic powers of the goddess Fortune worshipped at Præneste, for which he seems to have entertained the highest veneration. It was not only in the early ages that this attachment to their established modes of worship, and jealousy of adventitious novelties prevailed; for it will be found that they never failed to be brought into operation when circumstances called for their exertion. *Chap. II.*

In the sixth century from the foundation of Rome, the senate ordered the temple of Isis and Serapis to be demolished, and Paullus Æmilius raised the first hand towards this pious work, when he perceived a reluctance and terror prevailing in those whose proper duty it was to abate it. The professors of philosophy, and even the teachers of rhetoric, fell under the same vigilant cognizance, and were forbidden to reside at Rome, on account of the tendency which (534.) (591

Chap. IV. their doctrines and studies were supposed to have towards undermining the national religion. In the following century the Chaldeans, who were kept in a constant state of persecution, were enjoined by a prætorian
(614.) edict to quit the city instantly, and to remove out of Italy within ten days. The preachers and votaries of Sabazius met with no greater indulgence from the same prætor.
(719.) The astrologers, who were denominated mathematicians, were obliged to submit to a similar edict in the second consulate of Augustus. The introduction of the Jewish superstitions was of a still later date; notwithstanding that the abhorrence in which they and all other professors of a different faith were held by the public authorities continued undiminished. But while the law classed together all these nonconformists to the national establishment, under the opprobrious denominations of diviners, necromancers, and magicians, it is curious to observe what possession they took of weak minds, and what multitudes of proselytes they made who dared not confess the objects of their private devotions. It was in vain for the senate and magistrates to anathematize and expel them;

they struck deeper roots under discountenance and persecution; and though universal conformity was maintained in appearance, and no toleration ever granted, the new superstitions seem to have taken a more powerful hold upon the mind, and to have undermined the sanctity and authority of their indigenous deities. *Chap. IV.*

In the generality of the instances which are to be met with of this superintending control and authoritative interference of the senate, every thing was disallowed and prohibited which came in competition with the uniformity of their established religion, without any regard to the opinions, belief, or obligations contracted by the votaries of any of these suppressed superstitions and heresies. But in the decree for abolishing Bacchanalian orgies and mysteries, there was a special reservation for tender consciences, enacting that if any person should think it impious to neglect the sacrifice enjoined by his vows he might profess before the prætor, who should consult the senate, (one hundred senators being present,) and in case of permission being granted, such sacrifice might be performed, provided that it were done in (566.)

Chap. IV. the presence of not more than five persons, and that there should be no common stock of money subscribed, nor any master of the sacred rites, nor any priest.

Dionysius of Halicarnassus expressly remarks, that the Romans had no toleration for foreign deities nor any imported modes of worship, but that they apprehended mischief from all innovations of that kind, and held them in abhorrence.

A considerable change and relaxation insensibly took place in the religious as well as in all the other institutions of the republic, by the increased numbers of subjects and strangers continually flocking to the capital of the world, who introduced and practised, as far as they were permitted, the modes of worship established in their several countries. The diffusion of philosophy among the Romans themselves, and the prevalence of the Epicurean sect, which became the favourite, rendered the chief men and magistrates, and the emperors in their turn, less anxious to support a ritual to which they were grown indifferent, and a mythology of which they were ashamed. The legends regarding a future state, which formed the creed of

Camillus, Fabricius, and the Scipios, were too gross for the refined understandings of the schoolboys under the Cæsars; and it would have been difficult, if not impracticable, to maintain in its full integrity and ascendancy a system which had so universally fallen into disrepute and contempt. But the old maxims of government were diametrically opposite to that universal latitude and toleration which some modern authors, without sufficient attention to the uniform course of history, have laboured to deduce and establish. What they denominate the mild spirit of antiquity, and sentiments of mutual indulgence, if ever they existed under the Roman commonwealth, escaped the observation of the judicious Montesquieu, who remarks, that "when they received the gods of other countries, they received them as conquerors, and carried them in their triumphs; but whenever foreigners pretended of themselves to set them up, they were immediately suppressed. It was not unusual to give to some of these new divinities the names of the Roman gods, whose attributes they most resembled; but if the priests of those divinities presumed to

Chap. IV. establish them under their own names, they were not tolerated."

If no theological rancour existed, there was a political principle of exclusion which allowed full as little liberty of worship, so far as concerned all overt acts, as the blindest zeal or the most contracted bigotry could have done. A constitution, which united in the same hands the temporal and ecclesiastical power, and selected the pontiffs from among the senators, could not be indifferent as to the professors and preachers of new objects of veneration, followed by a new order of priesthood, and tending to effect a separation of the religious establishment from the civil: nor was it compatible with the character of the Romans, who for several centuries were sincerely attached to their national faith, and eminent for the observance of all obligations, either by oaths or vows contracted under it, to feel totally unconcerned as to the preeminence of their own tutelary deities, when the gods of other nations presumed to come into competition with them.

The magistracy of military tribunes sat lighter upon the people than that of consuls,

for which it was accordingly in these times frequently substituted. Whenever it was much insisted upon by the commonalty, the patricians generally thought it expedient to give way; and in conformity to this preference it was at one time continued for fifteen years in succession. In the beginning of the siege of Veii, Livy says that their number was increased to eight; the usual number was six: upon their first creation they were only three, and in some of the succeeding years four. The plebeians, when they offered themselves as candidates, usually met with repulses; nor were they more favourably treated in their first competition for the lowest of the curule offices, that of quæstor, when their number was doubled, and augmented to four; but they were admitted soon after. The first of that order who was raised to the rank of military tribune was P. Licinius Calvus, a man advanced in life, unknown and untried in any other office, but only, as Livy styles him, an old senator; though by what means he could have obtained a place in the senate house at this period of the commonwealth, is one of those inexplicable questions which have been

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Chap. IV. already touched upon. The warlike career of the republic was not entirely unchequered by disaster; but the reverses were transient, and never failed to be set right by the succeeding consuls or by a dictator.

The reluctance to be enrolled for military service, which so frequently broke out into open resistance, while the tribunes were at hand, seldom operated, after the citizens were once under arms, to the prejudice of discipline and subordination: but there occur some few occasions in which a spirit of mutiny pervaded the soldiers; and in one of these (the most remarkable) they proceeded to such extremities as to be satisfied with nothing less than the life of M. Postumius Regillensis, one of the three military
341. tribunes, whom they stoned to death. He is described as an arbitrary, violent, and perfidious man, who had irritated his soldiers by withholding the plunder of Volæ after he had promised it to them: but his murder was of the most dangerous example, and the consuls of the next year were commissioned by the people to examine into all the circumstances of it, which they did with great moderation and discretion. The few whom they destined

for execution escaped public punishment by voluntarily putting an end to themselves. *Chap. IV.*

The army was put upon a new establishment upon occasion of the siege of Veii, and acquired a permanence and consistency which was before wanting in their desultory and short campaigns. The citizens, who had to that time supported their own charges, and were obliged to quit their domestic occupations, could not without extreme inconvenience endure more than a short and very limited period of warfare; they complained, not unreasonably, of these hardships; and the constant succession of wars would have made them unwilling, even without the instigation of their tribunes, to enroll their names. The senate, with great judgment as well as justice, before any demand of compensation was thought of, obviated this grievance by passing a decree, that pay 349.
should be given to the soldiers out of the public stock, and that the fund should be raised by a general tax according to the census or register. Never was a more popular ordinance passed, nor universal gratitude more deservedly excited; but it pleased not the tribunes, whom union between the

Chap. IV. orders always rendered weak and insignificant. They inveighed, harangued, and protested against it, and even went so far as to promise protection to any one who should refuse to pay the assessment; but the evident equity of the measure, the popularity of spontaneous munificence, and above all the judicious ostentation of the patricians, who sent their ample contributions in wagons through the streets to the treasury, and according to their full quota, silenced and confounded these factious cavillers.

It does not appear, however, that there was sufficient authority legally vested in the senate to have exacted this levy of money, nor that any person whose avarice or selfishness had taken shelter under the protection of the tribunes, could have been compelled to contribute his proportion. There was no coined silver made use of in these times; the heavy brass in which the currency consisted, added by its bulk to the display and parade of conveying it to the place of deposit.

The mode of taxation, and the laws relating to it, form in every government a part of history intimately connected with its wealth,

freedom, manners, intercourse with foreign nations, and progress in refinement; but frequently too little noticed by the relaters of battles and commotions. The Romans seem to have been subjected at any period to very few impositions of this sort; and in proportion as enemies multiplied, to have grown richer, instead of being impoverished. The system upon which they originally conducted war was so admirably contrived for a people designed to live by it, as to enable the government to equip and maintain their armies at the joint expense of their own subjects and of the enemy; while the former served at their own charges; and the spoil acquired from the latter, either wholly or in a considerable part became the property of the state. When taxes were to be raised, it seems that they followed, upon other occasions as on this, the rule of the census, (after that mode could be resorted to) each man contributing in his class, and in proportion to his estimated property, the valuations under the census being confirmed by the oath of the party.

Some of their contests involved them in temporary difficulties, of which the earliest

Chap. IV. example occurs in this first protracted warfare, after the army received pay, during the siege of Veii. It excited patriotic exertions, and voluntary offers of service, originating from the knights, who undertook from that time to furnish their own horses, which were before found for them by the public: some pecuniary compensation however appears to have been still allotted upon this account, so as to prevent the whole charge from falling upon those who served. A tax upon widows was originally assigned by Servius Tullius, according to Livy, for keeping the horses of the knights.

The wars with the Italian states took no money out of their territory, and if the soldiers did not always return richer than when they marched from home, the treasury seldom failed to benefit. Upon some later occasions, loans were made by individuals, and a public debt was created; particularly during the embarrassment of the second Punic war: but the growing prosperity of the republic after that era rapidly overcame all difficulties of this kind, until Rome became the treasury of the universe. The precious metals brought home by P. Æmilius were so

abundant, that no taxes whatever were levied upon the people from his time until the consulate of Hirtius and Pansa. *Chap. IV.*

The siege of Veii continued, with some variety of fortune, during ten years. The inhabitants had recourse to the election of a king, which, though it added to the vigour and constancy of their resistance, deprived them of the support of some of their neighbours, who disapproved their choice: they were aided however by the Capenates and Falisci, who gained signal advantages over the military tribunes by whom they were opposed. Rome was thrown into consternation, and recourse was had to a dictator. M. Furius Camillus, in the discharge of that high office, soon changed the fortune of affairs, and restored confidence and discipline to the army. After many other expedients had failed, he set about assailing the place by mining; and by that mode he made himself at length master of this strong capital of Etruria. He soon after added, by a still better title, Falerii to the Roman state. A schoolmaster who had the care of many of the sons of the principal persons, both in their hours of study and recreation (which was a com-

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Chap. IV.

mon mode of education in Greece) offered to deliver them up; and actually put them into the hands of Camillus, who was laying siege to that town; and at a moment when his army was much straitened for provisions. The treacherous offer was magnanimously rejected; and the wretch was delivered to his scholars, to be whipped back to his school with derision and infamy. The generosity of this restitution wrought a suitable return on the gratitude and feeling of the parents, who voluntarily put themselves under the power of a state which had regard to the rights of nature in the midst of hostility and distress.

When he returned to Rome with so many just claims upon public gratitude, this great man could not escape envy and persecution. The plunder of Veii afforded the tribunes, whose measures he constantly opposed, a pretext for raising a popular cry against him, and appointing a day for him to answer a charge for embezzling a part of it; which was the more grievous, as he had taken more than ordinary pains to avoid all responsibility upon that subject, by previously consulting the senate as to the disposition of it, and the senate had followed the most po-

pular proposition, by allotting the whole to the captors. It is true that one tenth of the whole was devoted under a solemn vow by the dictator to Apollo; and he seems unaccountably to have forgotten or neglected this sacred obligation, when the whole remained in his power, and no individual could have complained of any appropriation which he might make. But much resentment was naturally excited, and considerable reluctance shown, when, to liberate the state from the burden of this engagement, every soldier was required by a decree of the senate to refund the tenth of his portion. *Chap. IV.*

Camillus, after advising with his friends, found that he was likely to meet with so little justice or mercy from his countrymen, that he deserted his defence, and went into banishment. He was of course, as having admitted the fact by his flight, pronounced guilty, and fined 15,000 pieces of brass.

Plutarch mentions an ostentatious display of four white horses in the triumph of Camillus as another cause of the resentment of the people: but when he was once marked out for persecution by the tribunes, it would have been difficult for any degree of pru-

Chap. IV. dence or moderation to have protected him. In their zeal for the democratic cause, or for their own advancement, those who filled that office were little scrupulous about the means by which they could ruin their opponents, or increase their own authority; and this early, and, as it is reputed, this virtuous age of the commonwealth, afforded some examples of malignity and atrocity hardly exceeded by any of their more noted successors. An intention and digested plan is said by Dionysius to have been formed by two of the tribunes, during the violent contests for the Terentillan law, for putting all the principal senators to death; and though few other cases of the same enormity occur, a total disregard of public duty and moral principle disgraces many of those whose names have descended to us on account of the celebrity which such vile arts and infamous practices attached to them.

Among Camillus's numerous friends whom he advised with upon the danger of his situation, no one doubted of his innocence, nor of his conviction, if he should venture to stand the trial: so unjust and unmerciful is the decision of a multitude misguided by

prejudice, or inflamed by passion, where the guilt of a false verdict is divided among great numbers, and no one feels responsible for whatever may have been done amiss, or decided contrary to justice. *Chap. II.*

The offence imputed to Camillus, if it could have been proved, was definite and distinct, and differed in that respect from the vague and general charges described by no written or known law, under which several other opposers of popular measures were oppressed. Their own colleagues were not always safe when they acted against a majority of the college; and we find two tribunes brought to trial about this period, in the year after they had quitted office, for differing from, and stopping the proceedings of the rest, which by law, and the very essence of their magistracy, they were entitled to do; but their intercession happened to be directed against a favourite proposition of the moment, a cry for migrating to Veii, and they were sentenced to pay a fine.[1] It is possible that these tribunes acted from corrupt motives, and were legally convicted; for the patricians sometimes found the means of playing off some of them against the rest,

Chap. IV. in conformity to the advice of Appius Clau-
273. dius in some of the early contests with Icilius. The subsequent addition to the number rendered this sort of division in the college more practicable, and the next occasion
339. upon which it was resorted to with success, was through the exertions of another of the same family; after which it became an established maxim of patrician policy: but it seems that those who ventured to take part with the aristocracy incurred no small risk in the discharge of this sacred and inviolable magistracy, with the hazard of such a trial hanging over their heads. The most fatal
(655.) instance of this kind is related by Appian, with regard to a tribune named P. Furius, who rendered himself obnoxious by interposing his negative against recalling Metellus from banishment; for which he was accused, and brought before the people in the following year; but the tide of popular indignation ran so strongly against him for the exercise of this unquestionable privilege, that without waiting to hear the pleadings in his cause, the enraged multitude tore him to pieces.

The proposal of migrating to Veii came

again under discussion, but it received a negative by a fair decision of the people in an assembly of their tribes; and the senate, 362. gratified with this result, made a liberal distribution of the Veian territory, allotting seven acres to each citizen; and not only to fathers of families, but in the same proportion for their children also, according to their numbers. These agrarian distributions were frequently made; but the allotments seldom exceeded two, two and a half, or three acres; for the patricians had no dislike to the principle, when the doling out of these small assignments was accepted as bounty, and kept under their own control and authority; but they dreaded the people taking the business into their own hands, and enacting any general law which might parcel out into minute portions the future acquisitions of the republic, and erect the lower order into a set of independent landowners. While they evinced considerable sagacity in foreseeing the future extension of their territory, they seemed insensible of the necessity of guarding against the consequences which might attend it; and there is no greater proof of want of wisdom and precaution in

Chap. IV. their maxims of internal regulation, than their inattention to these consequences, which should have led them to frame prospectively some system upon this subject, which afforded such early and unequivocal prognostics of the disorders with which it was pregnant.

CHAPTER V.

Rome taken by the Gauls.

THE terrible issue of the Gallic invasion showed that their measures were sometimes no better adapted to resist foreign aggression, than to secure domestic tranquillity. The sudden appearance of a new enemy much more formidable than all their Italian neighbours, brought Rome nearer to her fate at this memorable era than at any other, prior, or subsequent; nor did she ever possess less means, or talents, for averting it.

What proximate cause it was which attracted into Italy these most dangerous enemies, and first conquerors of the Romans, is variously conjectured. Livy maintains that other Gauls had passed the Alps in earlier times; and he relates, as one of the current stories to account for this great armament being directed towards Clusium, the invitation of one of the citizens who was desirous of avenging himself upon a man of

Chap. V. greater authority in the same town, who had injured him by seducing his wife.

A deputation was immediately despatched from Clusium to implore the aid of the Romans, with whom however no alliance subsisted. The latter therefore contented themselves with sending three legates, young men of the Fabian family sons of M. Fabius Ambustus, to endeavour to compose their differences with the Gauls, and to settle every thing amicably. The young mediators so far forgot their character, that they instigated the Italians against the strangers, and appeared in arms at their head. The Gauls sent their just complaints to Rome; and demanded the ambassadors to be given up. There was a disposition in the senate to respect the law of nations, and to comply; but the people, pleased with this precipitate and intemperate exercise of their favourite virtue, justified and protected them: and to such extremes did their levity and partiality extend, that they elected them for the succeeding year military tribunes, committing into their inexperienced and incapable hands, during the most perilous crisis, the whole fortune of the republic.

The Gauls raising the siege of Clusium, directed the brunt of their vengeance against Rome, where no suitable precautions were taken for defence; a tumultuary army was levied; the three Fabii had for their colleagues persons of no greater capacity than themselves, who obstructed the service by the division of command, but were all equally eager for battle, which not one of them knew how to conduct. The first onset decided the victory on the banks of the Allia, near its junction with the Tiber. Every thing was panic, confusion, and flight; and if the barbarians, contrary to their habits and natural impetuosity, had not suspected stratagem in the unaccountable facility of their victory, there is no doubt that on that very evening they might have made themselves masters of the city, Capitol and all. Their delay and hesitation during two days, the transactions of which on both sides are admirably described or imagined by Livy, gave the Romans time to recollect themselves, and to summon that passive courage at least, which enabled those, who from age or infirmity were unable either to escape or to take refuge in the Capitol, to die honourably; for they made

Chap. V.

365. *Bef. Xt.* 387.

Chap. V. no sort of resistance, nor exertion against the invaders. The old patricians, clothed as on days of ceremony, and seated in their curule chairs, not assembled together in the senate house, but each in the hall of his own dwelling, awaited with resignation whatever fate might ordain; and the carnage began from the accident of a Gaul innocently stroking, with a mixture of reverence and curiosity, the beard of Papirius; which the ancient senator resented with a blow of his ivory sceptre. The city remained for seven months at the discretion of the conquerors, who plundered, and destroyed it by fire. The Capitol was straitly besieged; and the numbers shut up, among whom were several matrons (for all those who chose it had been allowed to accompany their husbands) were reduced to great difficulties by the want of provisions. Their vigilance was once eluded; and they had nearly fallen a sacrifice to the activity of the Gauls, who had ascended the hill, in the night, with amazing effort, and the utmost secrecy: not a footstep was heard; the sentries remained unconscious of danger; even the dogs were not disturbed: but the more watchful geese belonging to the Temple of

Juno gave the alarm; the garrison was roused to arms, and the valor of M. Manlius repulsed the assailants. The besieged, who were almost in a starving state, contributed to their deliverer, as a token of their gratitude, six ounces of flour and a quart of wine from each man. The vote of a colossal statue of gold would have been a less reward, if the value of what is given be measured, as it ought to be, by the privation which it occasions to the donor, and by the difficulty of replacing the loss. *Chap. V.*

The Romans in their extremity threw down loaves of bread into the enemy's camp; but the barbarians not deceived by this ostentatious display of plenty, continued to press the siege: and the Romans, cut off from all further means of subsistence, and every hope of relief, were obliged to capitulate with an enemy in a state of almost equal distress and suffering: their ransom was fixed at one thousand pounds weight of gold.

Camillus in his banishment at Ardea had not remained an indifferent observer of the calamities of his country: he had encouraged the people among whom he retired to cut off the foraging parties of the Gauls; and all

Chap. V. that remained of Rome out of the Capitol flocked to his standard: he had even found means to hold secret correspondence with the besieged, so that he was invested by their decree with the legitimate authority of dictator, which he judged essential, before he ventured to advance; when they hailed him as their deliverer.

No theatrical hero ever entered in a more critical conjuncture: the price of their lives was actually in the scales; and the haughty king, Brennus, had insolently thrown his sword into one of them, to cut short a dispute that arose about the weights. Camillus attacked him upon the spot, and threw his army into confusion, without much resistance: but in the second battle upon their retreat, at the distance of eight miles from the city, the victory and slaughter were so complete, that scarcely a messenger of the disaster escaped to his own country.

The defection of one citizen, Coriolanus, brought his countrymen not many years before to the very brink of destruction; the patriotism of another, to whom their ingratitude might have suggested juster causes of resentment than even to Coriolanus, became

necessary to save them from a similar peril: their army was ignominiously routed in the field, and their senators, without presence of mind or active fortitude, contented themselves with dressing up for death in their old trophies; while their youthful progeny, whose courage should have been of a more enterprising kind, submitted to endure all the horrors of famine without an attempt to extricate themselves; and after consuming all that could support life, and losing every thing that ought to make it supportable, they condescended to purchase a precarious prolongation of it, and beheld with patience and resignation the iron weapon of the Gaul weighed against the gold of the Capitol. *Chap. V.*

It is true that Livy calls the army which fought at Allia a tumultuary army, hastily and irregularly collected: but it should be remembered that the soldiery were at this period upon a better footing than they had ever been before; that they had continued embodied for a much longer time at the siege of Veii than upon any former occasion; and it is not probable that under popular commanders like the Fabii, and with a for-

Chap. V. midable enemy marching to attack the city, there should have been a want of at least the usual number of trained, and disciplined men, to enroll their names. The Romans were a nation of soldiers; and every man possessed of property was accustomed to military service from the age of seventeen; but the fact is, that the essential strength of Rome consisted in her generals, and not in her soldiery: and her wonderful aggrandizement was the work of a succession of some few superior men, who by the vigour of their character and the brilliancy of their exploits, raised themselves to the head; and elevated their country to the highest eminence of glory, in spite of a government ill constituted, and feeble at home, and of some glaring defects which marked even their military system as applied to extensive, or distant operations.

The citizens of Rome were not braver than the inhabitants of the adjacent territory whom they were so constantly fighting and so slow in subduing. The balance of victory and defeat during those protracted struggles was probably more equal than the historians admit: but allowing to the Ro-

mans every triumph which they claim, the constancy and perseverance of those who bore up against such repeated reverses, demonstrated that the body of those nations was sound and vigorous, if a head could have been found to take charge of it. To the Gallic tribes the Romans were certainly inferior in courage and military fame; and from the fatal day of Allia, until the decisive victory of Marius, the name of those invaders was never heard at Rome without terror and consternation: they reputed every other victory, as Sallust expresses it, to be within their grasp, but that in fighting against the Gauls it was a contest not for glory, but for existence. What was it then which brought them through all their difficulties? The answer, which has been already anticipated, is to be found in the same reflecting and profound historian, who declares it to be his opinion, after much consideration, that it was the ability of a small number of extraordinary men, which had surmounted every obstacle, and conducted his countrymen to that greatness of which he was an eyewitness in the age of Pompey and Cæsar. With the several emergencies which occasioned the dangers these eminent charac-

Chap. V. ters arose to encounter them, and the interval between them was never so long as to leave the republic destitute of resources.

A doubt is thrown upon this splendid achievement of Camillus by Polybius, who relates simply that the Gauls defeated the Romans, and those who fought on their side in the battle; and that within three days after the action they made themselves masters of Rome itself, with the exception of the Capitol: but that a sort of revulsion was occasioned by the Veneti invading the Gallic territory; upon which they entered into a treaty with the Romans, restored the city to them, and returned home. There are two other passages in the same historian, mentioning this event, in both of which it is distinctly stated, that it was not by compulsion, but upon terms, and as an act of grace, that the Gauls gave back the city, when the Romans had no reason to hope for it; that they kept possession of it for seven months, and returned into their own country unmolested and unopposed, with all the plunder which they had collected.

Whether we give credit to the Greek, or the Roman historian with regard to the

departure of the Gauls, it formed the second crisis which brought the rising empire to the very verge of ruin, within the period of little more than a century reckoned from the expulsion of Tarquin: that of the Volscians headed by Coriolanus was the first: and the deliverance of Rome from both must be ascribed chiefly, if not solely, to that good fortune which so often rescued her, when her prudence failed, and her courage was appalled. *Chap. V.*

The new form of government was still more frequently threatened during the same era; but in three signal instances it was exposed to the most imminent hazard: first by the conspiracy of the sons of Brutus; and secondly by that of Sp. Mælius at the head of a powerful faction, with the tribunes also in his interest. But the third and most alarming plot against the liberties of the people was that of the decemvirs, in their second and third years; when their purpose was so nearly accomplished, that if Appius had been guided by the ordinary discretion of a designing politician, instead of giving a loose to the ungovernable passion of a libertine, it is not easy to conceive from what quarter the continuance of that usurpation could

Chap. V. have been effectually resisted. But men who will bear every other species of injury and degradation, may be roused to vengeance by attempts upon the honour of their wives and daughters: nor is there any kind of tyranny or insult which has produced more conspiracies and assassinations, than the lust of princes, wherever it has been accompanied by outrage, and public opinion has been set at defiance.

The consular power in the same number of years underwent several suspensions; in the very first of which when T. Lartius was created dictator, a legitimate birth was given to that uncontrolled authority which in a later age swallowed up every other; but during the better times of the commonwealth, it was an expedient of extraordinary efficacy, resorted to under difficult circumstances, and universally attended with the best consequences. The moderation of the eminent men, before dictators presumed to nominate themselves or to be nominated by their factions, and the spirit of the people, before it was vitiated by wealth and conquest, withstood for some centuries the abuses to which this dangerous and uncon-

stitutional magistracy was naturally liable. The next suspension of consuls, which was occasioned by the appointment of the decemvirate, was nothing less than putting the office of dictator into commission, and assigning to it an annual and renewable duration, instead of a term of six months, or a term nominally indefinite, but which in point of fact was never prolonged beyond the strict exigency of the occasion. The division of power among ten members afforded no adequate security against the machinations of the most ambitious of them; and it required some violent and striking catastrophe, like the sacrifice of a daughter by the hand of her father, to extort from their unworthy hands that plenitude of authority which had been so improvidently intrusted to them, by the accumulation of the whole legislative together with the whole executive power.

The election of military tribunes was a substitution judiciously devised for carrying on the functions of executive government, at a time when the office, and even the name of a consul was grown obnoxious and unpopular. A timely compliance with the inclinations and prejudices of the multitude

Chap. V. marked this concession; and a seasonable vent was afforded to their ill humour: but the constitutional superiority of the chief magistracy was preserved entire, though the denomination and the numbers of those who bore it were varied; until at length, after repeated alternations of tribunes and consuls, the unpopularity of the latter wore away, the novelty of the former lost its charm, and the republic settled again into the form which Brutus had given to it. No military tribunes were appointed later than fourscore years after their first institution.

The introduction of tribunes of the people left the consular office apparently untouched in its legitimate functions: but an office designed to guard against the excesses of another, although inferior in dignity, naturally becomes an office of control; and the distinct province of each being never accurately defined, gave occasion to continual controversies, and left the commonwealth, as a prize to be fought for and born away, according to the talents and ascendancy of the individuals who respectively filled these discordant magistracies. That the people could not have continued free without some special

guardianship and protection, was demonstrated within the first fifteen years from the formation of the new constitution; and the severe oppression under which the poorer class laboured, fully justified the means, regular as they were and unstained by bloodshed, through which this salutary innovation was effected. If any limitations or regulations could have been devised for giving to the tribunes all that was necessary for defence and check, but at the same time setting bounds to their means of offence and aggression, the Roman constitution would have approached much nearer to perfection than any other which was known to antiquity. But besides the defects inseparable from the best of human institutions, the urgency of the conjuncture allowed so little opportunity for deliberating consulting or maturing any digested plan, that it is not surprising if this new expedient, the offspring of disunion and secession, came into the world with many imperfections upon its head, which it was impossible afterwards to correct, unless by again exasperating the great mass of the community. With duties insufficiently defined, and no adequate counterpoise provided

Chap. V. against its excesses, if in seasons of tolerable quiet and calm it did hardly enough for the civil liberty and just rights of the people, in turbulent moments it certainly did too much against the executive power, and brought into danger the entire fabric of the republic.

Protection to those who refused to inlist, when their personal service was required, and countenance indirectly afforded to the enemy by discouraging all means of resistance, were the early fruits of this anomalous magistracy: when it became more adult, and drew from the rank soil, impregnated with all the wealth and all the vices of the universe, its full share of the common corruption, the (273.) other parts of the republic, following indeed (274.) the path not untrodden even in earlier times, and first discovered by one of the Claudian (339.) family, sought for repose in the division of its members, and found in their covetousness, animosity or ambition, some respite from their united energy and turbulence.

The institution of tribunes had an effect upon the character of the consular power, which has perhaps not been sufficiently noticed; it fixed and decided it towards the pursuit of military glory. It is true, that the

martial temper and habits of the Romans, the short period of command, and the little hope of a second opportunity of distinction, if no brilliant achievement had been performed during the first, were strong incentives operating in the same direction; but the tribunes could govern and dictate in the forum, they could thwart and obstruct those in higher authority; it was in the camp alone that the consuls still felt themselves supreme, and their prerogatives paramount. A set of restless and equally warlike neighbours afforded an occasion to almost every successive consul of showing his talents in the field; so that no nation ever had at the same time so many citizens who had commanded armies. But this continual change, excellent as it was for maintaining the equilibrium of a free state, was by no means calculated to form the best generals: what was well suited to preserve equality was ill adapted to the extension of dominion; and accordingly, when distant conquests were attempted, commands were successively continued to the same persons; the soldiers became attached by length of service to their generals, and insensibly transferred their allegi-

Chap. V.

ance from the state to the individuals who conducted them in the path of glory and plunder. The enlarged dominion, which was their grand object, was indeed obtained; but it was acquired at the expense of the constitution, which ultimately was left at the mercy of those who had arms in their hands, and legions devoted to them.

CHAPTER VI.

Rebuilding of Rome. Plebeian Consuls.

It required all the weight of the senate, aided by the firmness and authority of Camillus, to retain the people in the city which he had recovered for them. The ruins and desolation which they beheld around them, renewed a vehement desire of migrating to Veii, and of coming at once into possession of a city that was as capable of containing them as Rome had been, and not inferior in situation, magnitude, or strength.

From this project which had taken hold of their minds, and which the tribunes did not fail to flatter and encourage, they were with difficulty dissuaded; but after they had once received the opposite impression, the love of their native spot revived; the task was undertaken with ardor and enthusiasm; and so rapid was their progress, that the town was actually rebuilt within a year. The 366.
senate held out such encouragements as

Chap. VI. were most likely to forward the work; but in their haste they neglected to prescribe any uniform plan, or to attend to regularity or symmetry: the houses and streets were therefore no better laid out than before the burning: the first occupant acquired a title to build wherever he chose, wholly disregarding any former right of property; and the habitations were erected without concert or method, as fancy or accident directed.

The assistance afforded to the lower order by the patricians was not however gratuitous; the sums necessary for the expenses of building were borrowed at high interest, which naturally placed a numerous set of debtors in a state ready to kindle into discontent upon the very first occasion. M. Manlius conceived the design of making this ill temper instrumental to his own ambition and aggrandizement. The superior glory of Camillus irritated and inflamed his jealous temper, whom he considered as a competitor to be lowered in no other way than by exalting himself above all. The means prepared to his hands lay in fomenting the dissatisfaction of the people, and professing himself their friend and patron. A desperate party began

to form about him, and the boldness with which his proceedings were carried on left no room to doubt his designs. Fortunately, none of the tribunes were deceived or corrupted, as they had been before by Sp. Mælius, and they became the accusers of Manlius. Cossus was appointed dictator, as in a time of great public danger. Manlius was cited before him and thrown into prison; from whence, however, he was released by a decree of the senate, after the dictator had abdicated his office; and the trial was left to proceed in the usual course, at the instance of two of the tribunes, before the people in their assembly by centuries. *Chap. VI.*

An extraordinary struggle was exhibited in the course of this cause, between gratitude and the love of liberty, which kept the judgment in suspense; for, so long as the proceedings were conducted in sight of the Capitol, there was a generous feeling which would not suffer those whom he had preserved to pronounce him guilty; but when the trial was adjourned without the city to a spot from whence that eminence was concealed, he was condemned to death; 371.
and the Tarpeian rock, the scene of his

Chap. VI. glory, became that of his execution. It is probable that criminals were strangled before they were thrown from this precipice, or deprived of life in some other manner; for its perpendicular height, which is now only of some few yards, could hardly have been sufficient even in its original state to insure the death of those thrown down from it by the mere effect of the fall. The house of Manlius was levelled to the ground, and the name of Marcus was forbidden by a special law to be continued in that family.

It does not appear that any measures for alleviating the distresses of the debtors or quieting their complaints were taken until several years afterwards. In the mean time, the usual reciprocation of opposition and concession continued: the tribunes endeavouring to make their harvest out of every approaching war by withholding the military service of the people; and the patricians evading, with little regard to their character or honour, the promises which were extorted from them in the hour of danger. During the campaigns, a cessation of all demands for tribute and all process for debt was frequently granted by the senate, and

377.

all those in a state of confinement who were willing to give in their names were liberated for the occasion: but when they were no longer wanted as soldiers, they were remanded to their fetters, and harassed without mercy.

There is considerable uncertainty as to the law upon this important subject, though there is none as to the vexations which were practised, either in conformity or in opposition to it. The fragments of the twelve tables are imperfect and unsatisfactory: doubts are entertained as to the meaning of the words which are preserved: and the reading of one of the mutilated passages is in some measure conjectural. If we assume the mildest interpretation as to the rate of interest, and the most severe as to the punishment of a bankrupt, we shall have a code strangely at variance with itself, as well as with the character of the times and the whole tenor of the history. Still it must be confessed, that this is the most obvious sense of the two passages, and that they are so explained by the greater number of critical authorities.

If however the sentence in Tacitus (for it rests exclusively upon his authority) which

Chap. VI. mentions the rate of interest allowed by the twelve tables may fairly be construed to signify one ounce by the month, instead of by the year, (which is in some degree analogous to other expressions upon the same subject quoted in support of this interpretation) the first part of the embarrassment ceases; and there will be no occasion to resort to the solution of the author of the Spirit of Laws who pronounces summarily that Tacitus was mistaken, and that the law which he cited as from the twelve tables, was not enacted until ninety five years after-

(398.) wards. The usual rate of interest before the publication of the twelve tables seems to have been twelve per cent, as the same excellent author admits; which makes it much more probable that the decemvirs should have fixed the rate as they found it, rather than have made so violent a reduction as from twelve to one, which was a sort of legislation suitable enough to the tribunes, but wholly unlike the aristocratic enactments of the twelve tables.

(398.) We find in Livy that the tribunes Duilius and Mænius carried a law against the inclination of the senate, but highly accept-

able to the people for fixing the rate of interest at one ounce, in the same terms as are used by Tacitus; upon which occasion it must not be omitted that Livy makes no reference to any law as existing upon this subject in the twelve tables; though it is evident, if any such regulation were to be found in them, that this proposal of Duilius and his colleague would have been no more than a reenactment of it. *Chap. IV.*

The second branch of the bankrupt law, for cutting the debtor's body into parts to be divided among his several creditors, if there were more than one, without calling them into question for any want of exactness in the dissection, was certainly never carried into execution; for it must have been an everlasting topic of declamation in the forum at least, if the sight of so atrocious a spectacle had not produced an immediate revolution. But it is hardly possible on the other hand to explain the body of the debtor to mean nothing but his whole property, for the alternative permitted by the very next paragraph is the sale of the debtor's person beyond the Roman territory across the Tiber. Selling as a slave might be a commuta-

Chap. VI. tion for the right over a man's life, but the value of freedom is out of all proportion to the value of property.

(379.) The Licinian law was a temporary expedient extending the time of payment of all debts to three years by equal instalments, after deducting from the capital whatever had been paid upon account of interest.

(403.) Upon a subsequent recurrence of ferment and contention springing from the same root, the whole matter was referred by the consuls to five commissioners, whose names Livy records as deserving to stand high in the annals of their country, on account of the ability and probity with which they acquitted themselves of their difficult charge, so as to give perfect satisfaction to all parties, without bringing any considerable or permanent burden upon the public. The adjustment which they contrived (for the passage is not perfectly distinct) seems to have been by making an advance from the treasury upon account of those debtors whose embarrassments were temporary, and whose property was in fact, if well managed, equal to satisfy the demands upon them; in which cases security for repayment was

required on the part of the public: and in other cases, a fair valuation of the debtors substance was made, which was probably taken off their hands by the commissioners and carried to the account of the public, while the money price of their property was paid to the creditors. A vast load of debt is said to have been discharged by this expedient; though (if this be the correct interpretation) it appears only calculated to relieve the distresses of those who had some property left, which they could call their own. The census or register afforded exact means of ascertaining whatever was lent or borrowed by individuals: and a delay or interruption in the taking of it regularly by the censors was, upon one occasion, imputed by the tribunes to the senate as an indication of their desire to suppress the publication of the amount of these encumbrances, which would show how depressed and overwhelmed one part of the people was by the other. Chap. VI. 375.

In another instance the payment of the existing debts was directed to be made within three years in four equal instalments, and the first immediately. At the same (405.)

Chap. VI. period, which was exactly ten years after the law of Duilius, the rate of interest was reduced from the ounce to the half ounce, which is open to the same controversy in the interpretation, whether the payment of the half ounce was by the month or by the year.

But the next step was the total abolition (413.) of all usury, by a law of the tribune Genucius, which, instead of alleviating the condition of debtors, must have rendered it desperate, by producing that state of things which naturally follows principles carried to extremes. When the necessitous were obliged to borrow, they found an obstacle in the very regulations which were enacted for their protection: they were therefore constrained to renounce the benefit of them, and to pay besides for the risk which their creditors ran in disobeying or evading them.

(667.) The law of the consul Valerius Flaccus, is the last which is mentioned as relating to this subject during the republic; its professed object however was not for regulating the rate of interest, but by a direct fraud upon the creditors to oblige them to accept one fourth part of the principal which they had lent, in liquidation of the whole.

In the condition of the debtors a most beneficial alteration was made not many years after the lending of money at interest was prohibited, which Livy calls almost another beginning of liberty to the people. It had its origin, like so many of the important changes and revolutions in the Roman annals, from feeling and sympathy suddenly excited by the sufferings of an unfortunate individual. The cruelty of a brutal creditor, Papirius, exercised upon a very handsome youth who was in confinement for a debt contracted by his father, threw the whole people into commotion, when he escaped out of the clutches of his tormentor, fresh from the scourge, and with all the marks of it upon his back. Their indignation was heightened when they learned that this severity was in consequence of the virtue of Publilius, (for that was the young man's name) and his refusal to comply with the abominable desires of his creditor. The senate was convoked by the consuls upon the tumult; the people pressed towards the hall, and with the language and gesture of the humblest suppliants, they implored the attention of the fathers to the aggravated atrocity

Chap. IV. (429.)

Chap. VI. of the case. Their entreaties were not in vain; the senate directed the consuls to propose to the people a law forbidding imprisonment and the use of fetters except for crimes, and then only until punishment should be inflicted; and enacting that for all money lent the goods of the debtor, and not his body, should be held responsible. A main bond of credit was, as the historian observes, dissolved by this mitigation. But it is an extraordinary fact that the ancient severity seems to have gained ground again, and afforded fresh cause of complaint; for we find exactly the same story with a change only in the (465.) names recurring thirty six years later, and terminating in a similar law, immediately before the secession of the people to the Janiculan hill, which was occasioned by a repetition of extortions and grievances, on account of the same unredressed and durable cause of dissension.

In the harangues and disputes upon this subject, with which the Roman historian abounds, none of the speakers on either side ever cite or appeal to the law; nor is the enactment before quoted from Tacitus, as forming a part of the twelve tables, in any

one instance referred to. It must be noticed also that Livy, in speaking of the Genucian law which was devised, although it was by no means calculated, to put an end to all these disorders, mentions it without vouching for the fact, which he found in some of the older writers, but not in all. (413.)

Towards the close of the fourth century, an instance occurs of most irregular and unconstitutional legislation, by the passing of a law in the camp, while the army was upon active service at Sutrium. It related to nothing connected with the military, nor was it a point in controversy between the two orders so as to give the consul or his party any advantage in seizing such an occasion; but the sole object was to effect what was frequently done without taking the sense of the people at all, either by a decree of the senate, or by the authority of the censors, that is, to levy a tax, which was to be a twentieth of the price or value of every slave who either bought or received his freedom. The form of assembling the soldiers by their respective tribes was complied with, and the consul brought the question before them by the direction of the senate. No objection was made by the 398.

Chap. VI. tribunes, when they became acquainted with this strange proceeding, to the measure itself, which was considered as a well timed aid to their exhausted finances: but the precedent was capable of being applied to the most dangerous purposes; and they took care to prevent its recurrence by enacting that it should be a capital offence to hold any partial or separated assemblies of the people.

With all the zeal which the tribunes exerted to protect the liberties of the people, and to maintain them in their full proportion of political power, it is curious to observe how little care they seem to have taken of their property. In modern times nothing is considered as more essential to a free state, nor more characteristic of civil liberty, than that the right of taxation should be vested in the people, either collectively, or by their representatives. But during the Roman democracy no subject was less attended to; nor among so many inferior grievances, which were magnified into importance, does the exercise of this power of calling upon them for contributions, appear to have occasioned any prospective regulations. Whether the senate by the sole authority of a decree levied

a duty, or the censors took upon themselves. *Chap. 17.*
to do so, the demand was equally submitted to: and although the acquiescence of the people was not always without murmuring, yet none of these pecuniary levies made so lasting an impression as to create any serious opposition or disturbance, or to occasion any legislative enactment to regulate or limit this oppressive prerogative. We find an instance, some years before the tax was laid upon the manumission of slaves, of a contri- 377.
bution being exacted for building or casing a wall with hewn stone, which the censors had let out by contract: many of the poor citizens were obliged to borrow money to defray their quota: but it happened at a moment when no complaints would have been effectual, because there was no call for an army to be sent into the field. When the circumstances were more favourable to their views, it happened, though rarely, that the tribunes absolutely interdicted and obstructed the pay- 353.
ment of tribute; and upon one occasion they were very near throwing the legions, which were actually upon service, into a state of mutiny for want of pay: but this was only one of their temporary expedients for annoy-

Chap. VI. ing their political adversaries: the root of the evil they never thought of striking at, nor of applying the principles of a free constitution to the levying of money upon the subject.

The revolt of some of their colonies in league with the Volscians, at the head of which was Prænestè, brought war again to the very gates of Rome: but T. Quintius
875. Cincinnatus reduced the rebels to obedience; he took nine of the allied towns in as many days, and Prænestè on the tenth.

A second irruption of the Gauls from the Adriatic is placed by Plutarch, who styles them Celts, thirteen years after the first, and he relates that they were defeated by Ca-
388. millus in his fifth dictatorship, on the river Anio: which Livy also mentions, with some doubt as to the date of this battle; and of another with the same enemy in the Alban country. The Greek biographer adds that a change was made by the dictator in the mode of arming his troops for the purpose of better withstanding the long swords of the barbarians.

What was done upon this occasion by Camillus was in strict conformity to the established maxims of the Romans, who were

never so bigoted to any usages of their own as to disdain the taking of useful lessons from their enemies. Whatever excelled the practices or skill of their ancestors, in the tactics, the weapons, or inventions of those whom they opposed, was willingly adopted; and without seeking after experimental novelties, they introduced into their system whatever could materially improve it. Their great founder set the example by introducing the Sabine shield instead of the Greek buckler which was in use before: many other parts of their armour and weapons were borrowed from the Samnites: the Spanish sword, when its superiority was discovered, superseded the Roman: Pyrrhus's camp taught them better principles of entrenching themselves than they had gained in all their Italian campaigns: a Rhodian galley in the first Punic war became the model for their fleet: they admitted elephants into their line of battle, upon some occasions, after they had experienced their tremendous effect: and the Numidian horse served with great advantage as early as in the second Punic war in conjunction with the legions which they had formerly so much

Chap. VI. alarmed and harassed. It took them centuries to perfect themselves in the art of war, and they profited by all the knowledge and improvements of the nations which they conquered.

A period of extraordinary domestic quiet, during which the domineering spirit of the nobility is described as having gained a complete ascendant over the turbulence of the people, was disturbed by a little incident in a private family; when the jealousy of two sisters opened the path of honour to the plebeian blood, and levelled the grand distinction between the orders. The two daughters of M. Fabius Ambustus were married, the elder to a patrician Ser. Sulpicius, the younger to C. Licinius Stolo a distinguished
378. plebeian. In the year that Sulpicius was military tribune, it happened, upon his return one day from the forum to his house, that the younger Fabia, who was sitting with her sister, was alarmed at the noise of the lictors with their fasces knocking at the door: The patrician matron marked her superiority by a smile, which the ignorance and rusticity of her sister excited; but this sarcastic expression of contempt was visited upon the

whole order, and became the moving cause which effected no less an innovation than that of abolishing all distinctions of birth in the competition for the envied fasces. The father sacrificed the interest and high prerogative of his order to the fractiousness of his child, and became the coadjutor and encourager of his son-in-law Licinius, and of L. Sextius, in the prosecution of this arduous undertaking. They attempted to bring it about by gaining celebrity and confidence through various popular laws, which they proposed when they were tribunes; of which those which took most with the people were, one for allowing the term of three years for the discharge of debts, and another for restricting the accumulation of landed estates to five hundred acres in the hands of any one proprietor. *Chap. IV.*

The senators resisted with all their might; but though the two tribunes were not strong enough to carry their point, they were sufficiently popular to be continued in office for ten years together, and powerful enough to obstruct every thing else. They interposed, and abused their controlling negative, so as actually to prevent any curule magistrate from 379.

Chap. VI. being chosen for five years: a state of anarchy without example, against which their defective constitution had provided no remedy. But the people were not entirely in unison with their leaders: they were extremely desirous of the mitigation of the demands of their creditors, and of the limitation of estates; but they grew cold and indifferent about the consulate; and it was by a sort of violence that they were compelled to pursue that demand, the proposers coupling it with and tacking it to the other projects.

It seems unaccountable that the senate took no advantage of this disposition, nor found means to separate propositions so perfectly distinct in their nature; unless indeed it may be presumed that their estates, which touched each individual in the tenderest part, affected them more nearly than the honours which were common to their whole body. In the issue of the contest, fatigued, and disgusted with the total want of order and government, the senate gave way; and the obnoxious propositions were suffered to pass into laws.

389. L. Sextius became the first plebeian con-

sul; and Licinius Stolo was advanced to the same dignity two years afterwards; the standard of whose patriotism and integrity was soon brought to the test of his own law, of which he became the first victim. He was accused, and convicted of possessing twice the quantity of land which he had allowed to any other individual, and was obliged to pay the fine of 10,000 pieces of brass. He had endeavoured to evade the letter of his own regulation, by emancipating his son, and assigning to him 500 of the 1000 acres, of which he was the real owner. *Chap. IV.* 391. 398.

The senate received an inadequate compensation for the great concessions which they had made, by the creation of two new offices; that of pretor, and that of curule ediles: and they had a momentary triumph not many years after, when the first plebeian consul who commanded an army was defeated and cut off by the Hernici. The pretor however continued not long exclusively patrician. The first plebeian who was elected was Publilius Philo nearly thirty years later. It is observable that the word pretor occurs frequently in the laws of the twelve 389. 418.

Chap. IV. tables, where it appears to be used indiscriminately for any chief magistrate, executive, or judicial.

Camillus lived to see this change in the balance of the republic, which it appears that he did not violently oppose: whether he foresaw that the people must ultimately prevail, from the great share that was legally placed in their hands in the distribution of power, or whether his advanced age and former disgrace made him unwilling to incur a second time the odium of the lower order; there is certainly an instance in one of his dictatorships, where he seems to have been panic struck by the threats of an accusation and of its consequences if he persevered in
390. the measures which he was pursuing. The plague, which swept off prodigious numbers, was fatal to this illustrious citizen, who was justly styled the second founder of Rome.

The prevalence of this epidemic disease filled the city with consternation and superstition: among other religious rites, stage plays owed their first introduction to the desire of appeasing the gods: but a still more singular charm was had recourse to, sup-

posed to have derived its origin from high antiquity, and to be of undoubted efficacy; a dictator was appointed for the sole purpose of driving a nail into the temple of Jupiter Capitolinus. But L. Manlius Imperiosus, who was selected for this religious act, thought fit to continue in his high office after he had executed his expiatory commission, and to exercise a severe levy among the people, which excited their indignation, and induced one of the tribunes M. Pomponius to cite him, after he was out of office, before the assembly to answer for his conduct. One of the charges intended to be brought against him was his cruelty to his son, whom he kept entirely in the country, and treated with harshness and severity: a most extraordinary head of accusation, at a time when the power of the father seems by law, as well as practice, to have been absolute. But the uncertainty and latitude of public and constructive crimes, was among the evils of their fluctuating and faulty constitution; and afforded to the lower classes the malignant consolation of retaliating upon those above them, the injustice to which they were in so many ways exposed by the insolence and op-

Chap. IV.

393.

Chap. VI. pression of their superiors. Young T. Manlius, who appears to have been better acquainted with the duties of a son, than he proved himself afterwards to be with those of a parent, was no sooner informed of his father's jeopardy than he flew to the house of the accuser, and drawing out a knife, threatened him with instant death if he did not abandon his charge.

The energy and piety of the young man won the hearts of the people, and they
393. elected him military tribune. It was in the year of his magistracy that a vast chasm, the effect perhaps of an earthquake or volcanic convulsion, opened in the forum, which no labour nor accumulation of materials could fill up. The deities, upon being consulted, answered, that it must be closed by throwing in that which was held by the Romans as most valuable, and that the perpetuity of the republic depended upon its being closed: upon which a generous youth, named M. Curtius completely accoutred and on horseback leaped into the midst of the yawning abyss, after devoting himself to the gods, and demanding of those about him whether any thing in the estimation of Romans was more

valuable than arms and courage. The pit is said to have immediately closed over him, and the spot was denominated the Curtian lake in commemoration of his heroic end. *Chap. VI.*

Another irruption of the Gauls, which is probably the same which Plutarch relates in the life of Camillus, is placed by Livy some years later, and three successive dictators were employed with the usual fortune of the republic against them: it was under the first of them that T. Manlius slew a gigantic Gaul who challenged any Roman to single combat; and taking a chain from the neck of his enemy gained the surname of Torquatus. 396 394.

Another young man, M. Valerius, one of the military tribunes, had a singular ally in a similar combat against a champion of the same nation: he was assisted by a raven, which settled on his adversary's helmet, and with his beak and claws attacked the eyes of the Gaul. He took the surname of his coadjutor, Corvus; and the multitude, charmed with the destiny which presided over him, as well as with his valour, chose him consul at the early age of twenty-three years: he was elected five times afterwards to the same high office, with an interval of forty six years 406.

Chap. VI. between his first and sixth consulate; and he lived to complete his hundredth year. In the next age, L. Cæcilius Metellus, another eminent man, who distinguished himself as high priest, by preserving from the flames of (511.) the Temple of Vesta the Trojan relics, the most hallowed objects of veneration, was remarkable also for having attained the same extraordinary longevity.

Some few years before the breaking out of the Samnite war an occasion of extraordinary alarm occurred, which called forth all the strength and energy of the republic, and demonstrated what astonishing exertions she was capable of within herself, and independently of all extraneous assistance.

It was while the Gauls were threatening a new attack, and the disposition of the Latins indicated that spirit of hostility which burst out into an open rupture nine years later, and again after a long suspension blew up the flame of the social war. To meet this double danger no fewer than ten legions were immediately raised, consisting purely of Roman citizens, either resident within the city or the adjacent territory; and without making a requisition upon any of the neigh-

bouring communities, whose contingent was in ordinary times double that of the citizens. The legions were not always upon the same establishment as to effective force, but they consisted at this period of four thousand two hundred infantry, and three hundred horse. The promptitude with which this great army was set on foot, gave rise to a remark of Livy, that in his own days Rome could not do so much in so short a time towards raising a fresh army to encounter any sudden emergency. There is an observation of a similar kind in Polybius, in which he represents the naval force employed in the first Punic war, as far exceeding the scale to which it would be possible in the time when he lived among the Romans to push their exertions by sea. Perhaps the admiration of past times carried both these authors somewhat farther than the truth would warrant, particularly as the Roman historian concludes his sentence with a sarcastic application to his cotemporaries, who he says had gone beyond their ancestors only in two particulars towards which all their endeavours were directed, wealth and luxury.

CHAPTER VII.

Samnite War.

412. The Samnites, who for more than half a century found employment for the Roman arms, either alone, or confederated with other powers, formed a more considerable state than any which had hitherto been opposed to the republic. Their subjugation, which was at the distance of seventy two years from the commencement of hostilities, was followed by a very large extension of territory, comprising the southern part of Italy; and the Roman historians reckon this as the first of their great wars, which led and encouraged them to undertake still more distant conquests. In the long course of it, occasion was afforded for no fewer than twenty four triumphs. The successive losses of the enemy were prodigious; in the single
459. battle of Aquilonia thirty thousand three hundred and forty Samnites were killed, and three thousand eight hundred and seventy made prisoners, when the obligation of oaths

and the terrible denunciations of religion were in vain called in to withstand the prevailing superiority and ascendant of the Romans. That they were an opulent as well as a martial people, appears by the display of wealth in that very action; for they brought into the field fifteen thousand of their troops clad in silver armour; and in a former action one of the divisions of their army had silver embossed on their shields, and the other division gold. The origin of hostilities is somewhat questionable on the part of the Romans: they were in amity by treaty with the Samnites as well as with the Campanians, who were at war with each other; and the latter, when Capua their chief city was besieged, and the Romans would not undertake their defence as allies, saw no other means of safety than to put themselves absolutely under their protection as subjects. *Ch. VII.*

The first campaigns were favourable to the Romans, and seemed to have put a complete end to the war by the total submission of the enemy; but the accident of other hostilities arising to engage the Roman power, gave them spirits to renew the contest; in which they were joined, before the close of

Ch. VII. it, by the Etruscans, Umbrians, and Gauls. Capua, the seat of luxury and pleasure, corrupted the Roman soldiers who were placed there in garrison; they had formed a plot for seizing and holding it for themselves, from which they were hardly prevented by the management of the consuls, by the popula-
413. rity and moderation of the dictator Valerius, and by fortunately having chosen for their commander the veteran T. Quintius, who was pressed reluctantly into the service of rebels, and was the first to persuade them to desist from engaging their country in the horrors of civil war. After relating the particulars with accuracy, and gracing them by the manner of his narration, Livy gives reasons for doubting the truth of the whole: but if the fact is to be credited, it affords a strong instance of want of discipline and subordination as soldiers, and of want of patriotism in their civil capacity; for they are said to have marched in arms within eight miles of Rome.

Among other consuls and dictators who distinguished themselves in the course of
444. this long warfare, the names of Papirius
459. Cursor the father and son, and of two Fabii,

father and son, are among the most conspicuous. The Roman historian, with a laudable partiality, does not scruple to compare some of them, and particularly the first Papirius, with his cotemporary Alexander, and to rank him as an antagonist fit to have coped with the conqueror of Asia, if the duration of his life and his desire of new worlds had led him into Italy. CH. VII. 435.

But the Romans experienced also some vicissitudes of fortune, and one disgraceful defeat at the Caudine Forks; in which however their loss was less than their dishonour, because their enemy wanted the judgment requisite to make use of his success. The Samnite general Pontius is justly censured for taking the dangerous expedient of a middle way, contrary to the prudent counsel of his father Herennius, and neither making prisoners of the whole army, nor liberally dismissing them. By obliging them to pass under the yoke, he irritated without weakening them. It was impossible to suppose that the Romans would remain patient under such an indignity, or that pretexts would be wanting for breaking the ignominious capitulation which was the sequel of this dishonourable cere- 433.

Ch. VII. mony. One of the consuls, Sp. Postumius, suggested the chicanery by which they satisfied themselves to evade it; and by a rare versatility extricated himself at once not only from the odium and disgrace of the defeat, but rendered himself the most popular man in the state. His proposition was, to persuade the people to deliver up himself, and all who had been parties to the treaty, to the Samnites; for he contended that the people were not bound by it, having never been consulted, and that they were consequently at liberty to act without regarding any of the articles, as soon as the authors were given up. Two tribunes of the people, who in the former year were probably officers in the army, and parties to the capitulation with Pontius, remonstrated against this crooked casuistry, but in vain, and they were delivered up to the enemy with the rest. The Samnites exclaimed against such an abominable instance of ill faith, and rationally enough required the Romans to place themselves again in the Caudine Forks, if they were dissatisfied with the only means by which they could have been extricated; they rejected the mockery of being put off

with the immediate parties to the treaty, who had signed not as individuals, but as undertaking for the whole republic, and they dismissed them with indignation. But all remonstrance was unavailing; they had lost their opportunity: the Romans under Corn. Lentulus retrieved their disgrace, and it was the cruel lot of the Samnite general, after many further struggles, to be led in triumph by Fabius, and beheaded in the midst of the city which he had formerly humbled without knowing how to profit by his victory. 461.

The Latins appeared again as enemies, after a long period of alliance, upon some ostensible grounds connected with the early part of the Samnite war, and prevailed upon the Campanians to revolt from their new masters; but their main motive was a desire of extorting from the republic a full participation in all the privileges and dignities of Rome, to which they deemed themselves entitled by their faithful services and steady cooperation. Their pretensions were high, but not unreasonable; indeed they were exactly of the same kind with those which kindled the social war two hundred and fifty years later, at a period when the Romans 415.

Ch. VII. could not so effectually resist them, and under circumstances which obliged them, though victorious in the field, to concede temporize and relax, and at last to give up the whole that was in dispute with as good a grace as they could. Upon the present demand they were fired with indignation at the presumption of their Latin confederates, and they had the good fortune to have two consuls whose firmness and vigour were adequate to the occasion.

As the discipline and arms of the Latins differed in no respect from the Romans in whose armies they were so long accustomed to fight, it was thought necessary for preventing all confusion and mistake, to issue a strict order that no man should fight out of his rank. The consul's son, T. Manlius, who was parading at the head of his own troop near the enemy's camp, was provoked to single combat by a challenge from the general of the Tusculan horse, and in the ardor of the moment he forgot or disregarded the prohibition. His antagonist was slain; and the young champion was conducted by his companions, laden with the glorious spoils, to his father's tent; but the stern disciplina-

rian, instead of receiving him with congratulation upon his bravery and success, condemned him to instant death for disobedience, and even bore to be an eyewitness of his execution. *Ch. VII.*

It is not every action which excites astonishment that deserves commendation; and nothing short of absolute necessity could justify such a violation of the first duty of a parent.

This condemnation does not appear to have been indispensable for the sake of preserving discipline; but if it were fit to pass sentence of condemnation, was it impossible to save or pardon? Why was no delay allowed? Why was all appeal to the people, of which the father of Horatius had availed himself, precluded by the instantaneous stroke of the axe? Why was not the concurrent and equal jurisdiction of the other consul called in? Can it be ascribed to any other cause than an apprehension that he might acquit?

But there are some circumstances of history which may serve to illustrate this subject in a more satisfactory manner. A stronger instance of disobedience occurred not many

Ch. VII. years afterwards, when Q. Fabius Rullianus master of the horse obtained a signal victory over the Samnites, in the absence and
430. against the positive commands of his dictator Papirius Cursor; which evinces, in the first place, that this sanguinary example had not in point of fact produced that sort of implicit obedience which it was designed to restore; and in the second, that daring and courageous spirits will be ready to encounter even such additional dangers as these in the path of glory. But the determination of the dictator to follow the severity of Manlius nearly subverted that discipline which he studied to confirm: his army became discontented and almost mutinous, and suffered the opportunity of a complete victory purposely to slip out of their hands. The whole body of the senate with the tribunes and the people could hardly prevail upon Papirius to spare the life of Fabius; but Fabius was not his son: he had exposed the whole army, and not an individual life only to hazard; and some jealousy may reasonably be excused in a commander in chief on account of the success of his subaltern, as well as a considerable degree of indignation for the con-

tempt of his authority. We read of some other events of the same kind: but even Q. Cassius, who made an attack upon the enemy in Liparæ contrary to the express command of his consul C. Aurelius, and instead of gaining a victory suffered a repulse, though he was degraded to serve in the ranks and corporally punished, was not sentenced to death. *Ch. VII.* (500.)

It was reserved for Manlius alone to condemn a conqueror in the person of his own son; and while he was pronouncing a sentence which made the blood of the hardy veterans of those days run cold, to fancy himself another Junius Brutus.

His colleague P. Decius Mus, in the great battle which immediately followed this terrible exertion of discipline, afforded in his own person an example much less equivocal of genuine patriotism and virtuous enthusiasm. The wing which he commanded was beginning to give ground; when, in consequence of a vision which had appeared to both the consuls, he judged that the moment was come when it became his duty to devote himself to the infernal gods for the safety of the legions. The ceremonial of religion was

Ch. VII. not neglected in the confusion of the combat; and the consul, after having habited himself for the awful occasion, and pronounced the solemn form of words standing upon a spear, was consecrated by the pon-
415. tiff Valerius to the deities below, with the same composure and satisfaction that he would have sacrificed after a victory.

The Latins, broken by the defeat which was the consequence of Decius's magnanimity, were entirely subdued in the subsequent campaign; some of their townships were incorporated into the republic; but the most guilty and obnoxious were treated with all the severity which the right of conquest allowed.

The second Decius emulated his father by the same mode of death forty two years later, which was attended with equal success
457. against the Samnites and Gauls; of whom twenty five thousand were slain, and eight thousand taken prisoners. In one of the battles with the Etruscans, their loss is reckoned at sixty thousand men between the killed and the captives; which is one of almost innumerable instances of the prodigious numbers of men in arms which the

various little states of Italy were capable of sending into the field before they were overwhelmed by the Roman power. *Ch. VII.*

A story of a lighter cast than ordinarily finds admission into the page of history, is related by Livy in the midst of two important wars, which preserves an amusing anecdote of the manners and religion of the age. The society of pipers, whose performance was a necessary prelude to all sacrifices, took offence at being forbidden by the censors to eat in the temple of Jupiter, and went off in a fit of peevishness to Tibur.

The senate became uneasy for the regularity of their religious observances, and sent to desire that the pipers might be remanded. The Tiburtines, after endeavouring to persuade them to return without effect, had recourse to stratagem; they invited them to play at several entertainments given at different houses, and plying them with wine, as soon as they were thoroughly intoxicated and asleep, put them into waggons and carried them back to Rome. The drunken pipers were surprised when they awaked to find themselves in the midst of the forum. 443.

In the internal politics of the republic,

Ch. VII. while any thing was left to demand, the tribunes seldom continued quiet for any length of time; all honours were already open to universal competition, but every thing connected with public worship, the sacred offices, the secrets of divination, and the direction of all religious observances, remained exclusively with the patricians. It was now resolved by the popular leaders to attack this last prerogative of high birth, which, after all the rest had been conceded, was perhaps hardly worth a contest; it was not however carried without strong opposi-
452. tion from the higher order, that four priests and five augurs elected from the people should be added to the sacred college. The first instance of a plebeian invested with the eminent office of high priest was half a cen-
(500.) tury later.

The year of this innovation in the college of priests and augurs is remarkable for the
452. third renewal of the Valerian law concerning appeals, which the people always regarded as one of the fundamental bulwarks of liberty; but that it must have been either grossly evaded or openly trampled upon, is demonstrated from the fact of these frequent re-

enactments; in truth, the great men of the Valerian family, with the purest intentions, were but unskilful legislators; they had framed their grand bulwark of freedom without a penalty or sanction; and Livy confesses that before the Porcian law there was no real protection for the person of a Roman.

The whole civil history of the republic abounds in anomalies and contradictions. The office of censor seems, according to the constant usage, to have been absolute as to appointing to and removing from the senate: Appius Claudius, a name which no one would expect to find employed in degrading the aristocracy, enrolled when he was censor among the conscript fathers the sons of freedmen; the succeeding consuls complained to the people of some names which they deemed to have been improperly inserted, and others as unfairly omitted by him; and they held his proceedings as null, without receiving any direct authority from the people to reverse them. Appius retained his office beyond the legitimate time, and refused to relinquish 444.
it; nor does it appear that there existed any regular means of obliging him to resign it. One of the tribunes indeed ordered him to

Ch. VII. prison; but the obstinate censor found protection in an appeal to some of the other tribunes, and he actually remained in office five years without a colleague.

Another of Appius's innovations consisted in dispersing the lowest of the people among all the tribes, which tended to divide the city into two parties, and to throw the power of elections into the hands of the most factious and necessitous. This disorder
449. was remedied some years afterwards, when Q. Fabius held the same office, who collected them together, and registered them in the four city tribes. How highly the utility of this regulation was considered, may be estimated by his having obtained upon this account the surname of Maximus, which many victories had not gained for him.

C. Flavius, a scribe, during the prevalence of that predominant faction in the forum which the measures of Appius encouraged, was invested by the people with the office of curule edile, to the great scandal and mortification of all the nobles; he had recommended himself by developing and making public the secret and mysterious forms of legal proceedings, which remained

hitherto studiously concealed and inaccessible in the archives of the priests. Flavius also fixed up in the forum a calendar, that it might be known to every suitor without consulting the learned, on what days business could be transacted. *Ch. VII.* 449.

The wealth as well as the population of the neighbouring communities is represented as very considerable, so that the republic was daily acquiring opulence while she enlarged her territory. This part of policy was studiously attended to: it was not uncommon to impose fines upon cities which had rebelled or broken treaties; and upon the renewal of peace, an indemnification was usually exacted from the vanquished, in corn, in clothing, or in money to pay the legions, besides an annual tribute. There is one instance of a number of the richest burghers in a besieged town being suffered to ransom themselves, and to make their escape. Part of the money acquired by these means was usually divided by the consul among his soldiers, in the manner which has been already noticed. One hundred and two pieces of the heavy brass were given upon one occasion from the plunder

Ch. VII. of Etruria, and twice as much to the centurions and knights. The whole sum brought
459. by Carvilius from that campaign into the treasury was three hundred and ninety thousand pieces of heavy brass, besides what he expended in building a temple.

The second Papirius Cursor added considerably to the public treasure by the sale of captives taken in the battle of Aquilonia; and a vast amount in silver was brought from the Samnite towns, which after the Tarentine war they first began to coin into
484. money. When the people saw such ample funds laid up, and that they still were called upon as before to pay taxes for the support of the army, they were discontented at being obliged to carry on wars, which in fact might have maintained themselves; but their uneasiness upon this account never burst out into sedition, either because the largest and lowest class was exempt from all contribution, or that the people were well disposed and reasonable when their personal liberty was not infringed, nor their political power attacked.

During this century of the republic a law extremely favourable to personal liberty

owed its origin to the brutal depravity of a creditor, which has been already noticed in the observations thrown together upon the subject of debtors. But in favour of the morals of the time, Dionysius adds, what is omitted by the Roman historian, that L. Papirius the infamous creditor was publicly accused and punished with death. He relates also another instance of the same tendency in the condemnation of C. Lætorius Mergus to death for a crime of the same abominable nature, in consequence of another public accusation. Plutarch speaks of an indictment brought before and determined by the senate, for a similar attempt, when Capitolinus was sentenced to pay a fine at the instance of Marcellus, who was the accuser in behalf of his son. The law which passed in favour of debtors seems to have effected no permanent alleviation of their condition; their complaints continued; but they made no impression upon those who could afford redress: and matters were again brought to such extremities from the extortions and cruelties of the rich, that an actual secession of the people, after a long series of discontent, took place,

(462.)

(429.)

Ch. VII. and they retired to the Janiculum; from whence they were brought back by Q. Hor-
466. tensius, in the office of dictator, but not without concessions being made to appease and satisfy them.

The annals of the fifth century are disgraced by the prevalence of a new and horrible crime in a quarter where it could be least suspected; but undoubted testimony in
423. the first place, and the fullest investigation afterwards established the fact, that an extensive plot was formed among the matrons for poisoning their husbands. Several of the most distinguished and respectable wives were parties to this atrocious combination; and not fewer than one hundred and seventy were convicted. So great was their proficiency in the mysteries of their deadly art, that the mortality occasioned by their drugs passed during a considerable time for the effect of epidemic disease. Many of the guilty died by swallowing their own potions. The first law against poisoning which had a place in the Roman code, owed its origin to this conspiracy.

But stopping short of such flagrant excesses, the virtue of the married women was

far from being irreproachable in these days of frugality and temperance: a temple was built to Venus from the fines of several matrons who were convicted of adultery by public indictment before the people; of which causes the edile seems to have been the judge. If the number of culprits was not extremely large the fines must have been excessive, and much beyond the proportion of other penalties, which there is no reason to suppose. Two hundred pieces of their brazen money passed for an arbitrary and exorbitant amercement about the time of the Decemvirs, in the case of Menenius, and gave occasion to a regulation for limiting the amount in all subsequent instances. Such failures as these in the conduct of the matrons must shake our belief not a little with regard to the moral purity of the old republic; and if we give credit to the received account, that no instance of divorce occurred during the first five hundred and twenty years, the old Romans who had the right to punish their wives with death, were probably not deficient in exercising it in their domestic judgment seats when they were provoked by these criminal excesses.

Ch. VII.

418. 479. 488. 536. 638. 639.

The sacred college of Vestals was not always exempt from irregularities of the same kind; which whenever they were discovered gave occasion not only to great public scandal, but to supplications and expiations as in cases of portents and prodigies. No mercy was shown towards the offending parties: and the names of several frail votaresses are preserved, who either underwent the sentence of the law by being buried alive, or destroyed themselves to prevent that dreadful punishment. The period of their vow was limited to thirty years, as Plutarch relates, after which they were at liberty to marry. Their number never exceeded six; and it must be confessed that such instances of incontinence in so small and select a body, tell most strongly against the strict observance of this class, at least, of the moral duties in the general mass of the female population which had not the same vows, nor the same terrors to restrain them. A Vestal, named Tarquinia, is mentioned who was absolved from her vows by a special law, on account of some public service, and permitted to give evidence in courts of justice, and also to marry; but

she did not make use of the latter indul- *Ch. VII.*
gence.

The luminous guidance of Livy's history, which is interrupted for seventy five years in this part, and does not assist us again before the second Punic war, is ill supplied by the scanty and dubious substitutes which we must have recourse to during that interval. The history of Dionysius of Halicarnassus, except some scattered fragments, is defective at a still earlier period, that is, immediately after the appointment of the first military tribunes with consular power; but his work was never extended beyond the opening of the first Punic war, where Polybius began.

CHAPTER VIII.

War with Pyrrhus.

THE Tarentine war which brought the king of Epirus into Italy, and extended the growing reputation of the Romans as much as it improved their tactics and military science, originated from an outrage committed upon some ships and mariners of the republic, which came accidentally into the port of Tarentum while the people were celebrating a public festival. The licentious multitude sunk one of the vessels, captured four, and put to death one of the two naval commissioners who were on board, together with most of the seamen: the five other ships which were in company made their escape.

This is the first fleet mentioned in the annals of the republic; and the authorities upon which this part of history rests are questionable and imperfect: but that they had two commissioners for naval affairs
443. elected by the people during the Samnite and Etruscan war, appears from Livy.

Postumius was sent to complain of this unprovoked injury, and to demand redress; but he was received with contumely and insult; and his robe covered with filth, which they insolently flung at him. As he quitted their theatre, he denounced to the thoughtless Tarentines, that nothing but their blood could ever wash out the stain of that outrage. *Ch. VIII.*

These descendants of the frugal Spartans, though they had long harboured a violent jealousy of the growth and prosperity of Rome, and had secretly fomented the discontents of others, had made no sort of preparation for the danger which they drew upon themselves with so much levity and unconcern. They were a dissipated, wealthy, luxurious, and enervated people, who could have made no stand from their own force and resources; and even with the support which they derived from the power, the abilities, and the great name of Pyrrhus, added to the cooperation of the Lucanians, the Bruttians, and the rebellious Samnites, they were subdued within four years.

A romantic spirit of adventure, a restless activity of mind, and an ardent thirst of glory, without any steady plan or determi-

Ch. VIII. nate object, formed the prominent characteristics of the king of Epirus, whom they called to their assistance: but how his reputation as a general should have stood so high as it appears to have done, by the testimony of his cotemporary Antigonus, and of his great successor in the invasion of Italy, Hannibal, is neither accounted for by the wisdom of his enterprises, nor by the success which attended them. Of the three battles which he fought in Italy, he gained only the
473. first, against P. Valerius Lævinius; for which he was indebted to the terror excited by the novelty and preponderance of his elephants, and above all by their smell, which the Roman horses could not be brought to endure nor approach. His ardent expectation of conquering Italy was damped by the difficulty of this first victory; and the rapid recruiting of the Roman army taught him that he had undertaken to combat an hydra, which he wanted the stout heart and perseverance of Hercules to subdue.

His versatile disposition immediately became desirous of accommodation; and Cyneas, his eloquent minister and philosophical friend, (whose pacific advice he would have

done well to follow) was despatched for the purpose of negotiating with the senate. In the field Pyrrhus strove to emulate the achievements of his cousin Alexander, but in his negotiations he was not averse to try the expedients which Philip had practised with so much success in Greece. His ambassador departed for Rome laden with presents; but he found none of either sex who would accept the royal bounty. When such was the general probity of the republicans, it is more surprising that the king himself should have attempted to bribe the virtuous Fabricius, than that he should not have succeeded. *Ch. VIII.*

Fabricius came to the camp commissioned as a legate from Rome, to treat with the king for an exchange of prisoners; and Pyrrhus, after experiencing the strength of his mind against the temptation of gold, had a wish to try the firmness of his nerves against surprise and astonishment. In the tent where the conference was held, he placed his largest elephant armed and caparisoned; and upon a curtain being suddenly drawn up, Fabricius viewed the enormous animal with an unaltered se- nity

Ch. VIII. of countenance, and showed that without the artificial helps of philosophy, he possessed in the fullest extent the great art of human wisdom and happiness, "not to admire."

474. In the following year, when he bore the office of consul, Fabricius had a noble opportunity of confirming the high opinion of his probity which he had impressed upon the monarch. The king's physician made an offer to poison his sovereign, which was instantly communicated to Pyrrhus by the consuls: in return for this act of generosity, the Roman prisoners were restored without ransom. The word of Fabricius had already been accepted as a sufficient security for allowing the prisoners to repair to the city, for the purpose of celebrating the festival of Saturn, and for their punctual return. There was a kind of gallantry and chivalrous spirit in all Pyrrhus's conduct, which was calculated to mitigate, in some degree, the horrors of war: he felt, or affected an esteem for the whole nation; he burned the bodies that were left upon the field of battle, and used every endeavour, consistent with the saving of his honour, to gain the Romans for his friends.

The embassy of Cyneas was of short duration. If there existed any hesitation in the senate, it was dispelled by the unexpected appearance of Appius Claudius, whom age and blindness had prevented for many years from taking a share in the public deliberations: but the vigour of his mind, and the energy of his character remained: and if he uttered the manly and forcible speech which Plutarch ascribes to him, it is no wonder that pacific propositions were not listened to. Cyneas was dismissed filled with admiration at the majesty of the assembly, which appeared to him like a council of so many kings, and he brought his master for answer, that there were no hopes of a treaty while he continued with his forces in Italy.

Pyrrhus however carried terror almost within sight of the Seven Hills, and advanced his army as far as Præneste. The dread of the elephants abated in the second engagement at Asculum in Apulia, where one of them was killed by cutting off the proboscis. The circumstances and issue of this fight are variously related; but it is certain that the king, soon after, embraced with eagerness a proposition for carrying his arms into Sicily;

Ch. VIII. and he crossed the sea in pursuit of easier laurels. His reception, and first success in that island, abundantly answered his most sanguine expectations; the Carthaginians were driven from every post, except Lilybæum; and the remainder of that fertile territory was left at his disposal: but it was lost as speedily as it was won. Mismanagement, ingratitude, and tyranny, justly deprived him of those splendid acquisitions which fortune, and not prudence had thrown into his hand.

He returned again to his continental allies whom he had left groaning under his garrison; and in the third battle, upon the banks of the Liris, his defeat afforded a magnificent triumph to Curius Dentatus; after which he finally deserted the colonists of Magna Græcia in quest of new adventures. His elephants, which gave him the first battle, and balanced the second, were fatal to him in the third; and began the rout in his own phalanx, from one of the dams hearing the cries of a young elephant which was wounded.

It was the fate of this roaming warrior in his latter enterprises to be baffled and worsted by women. The matrons of Sparta secured their city by throwing up prodigious

trenches during the night, while he lay musing in his tent upon the mode of placing Cleonymus on the throne of his ancestors the next morning; which he might undoubtedly have effected without opposition in the first instance, if he had marched directly into the city without halting: and in his last encounter within the walls of Argos, it was a female hand, armed with a tile from the roof of her house, which cut short his turbulent career in one of the streets, as he was endeavouring to make his retreat out of the town, where he was again obstructed by his elephants. Curius, who had the glory of driving Pyrrhus out of Italy, had a little before reduced the Samnites to sue for peace, and concluded the fourth treaty by which the republic had endeavoured to quiet and restrain that enterprising and warlike nation. Curius triumphed over the Samnites; and he had the unprecedented honour of a second triumph over the Sabines, in the same consulate.

481.

In the midst of the lustre which he added to his country by his bravery and virtues, a lustre which his country reflected back upon him in magistracies and triumphs, the habits of his life were as frugal and simple as those

Ch. VIII. of Fabricius; and when the Samnite ambassadors visited his humble farm by night, for the purpose of persuading him to grant them favourable terms by the offer of gold, they found him sitting upon the hearth and cooking his simple supper of roots, with a mind elevated above the want or desire of treasure, while he was able to conquer and contemn those who possessed it.

The death of Pyrrhus proved fatal to the independence of his Italian allies: the Samnites made a last desperate but ineffectual effort in the field; the Bruttians and Lucanians submitted; and Pyrrhus's general delivered up Tarentum without a battle to the Romans.

The subjugation of the Tarentines and Samnites was followed by a succession of three distinct wars, known more by name than by any remarkable circumstance to
483. characterize either of them: the Picentine, which added to their territory Asculum and Apulia; the Sallentine, which gave them the port of Brundisium; and the Volscian, in which their aid was required by the most wealthy people of Etruria against those who having been their slaves, were become not

only their masters, but their tyrants. In the first of these wars Fabius Pictor, the most ancient of the Roman historians, was consul; with regard to whose writings it must not be omitted that Dionysius reports that he, and Cincius also, wrote in Greek. Plutarch mentions Diocles of Peparethus as the author whom Fabius Pictor principally followed in his account of Roman affairs; but Dionysius, though he enumerates several other original writers, takes no notice of Diocles.

The senate, as soon as there was some respite from objects of higher moment, exercised a just vengeance upon one of their own legions, denominated the Campanian, which about the time of Pyrrhus's landing, had taken possession of Rhegium as a garrison, at the desire of the inhabitants, to protect them against the dangers which threatened the southern part of Italy. The soldiers had exercised every sort of cruelty and rapine, and held the place by violence, until it was taken from them by the consul Genucius. 481. Those who remained after the town was recovered, were scourged and beheaded, by command of the senate, without reference to the people: though some murmurs were

Ch. VIII. heard during the execution, that it was the right of the people alone to pronounce upon citizens in cases of life and death.

The increasing territory obtained by conquest required an augmentation of superintendents of the reserved demesne, and additional collectors of the public revenue; in consequence of which, four provincial quæstors were appointed to be elected annually. With the importation of gold and silver from the conquests in the south of Italy, a taste for applying them to the purposes of ornament and ostentation, would naturally spring up; but its first appearances were checked by the severity of Fabricius when he was censor: who removed Cornelius Ruffinus from the senate for having ten pounds of wrought plate in his possession. The earliest instance of another kind of prodigality and ostentation, which extended in later times to an enormous expense, was exhibited at the funeral of Brutus by his two sons, when some pairs of gladiators fought. At the obsequies of Æmilius Lepidus, twenty two pairs fought for three days in the forum: and the numbers continued to be increased with the spirit of ambitious display, which soon

477.

488.

(536.)

after that period set all censorian control at defiance. Julius Cæsar upon occasion of the death of his father, brought into action three hundred and twenty pairs, which is said to have been a smaller number than he had intended: a recent law having been passed to restrict the indefinite right of enlarging this dangerous kind of family establishment in the heart of the city. *Ch. VIII.*

In the inlisting of the army for the last campaign against Pyrrhus, some reluctance was manifested by those who were called forth: and Curius took the decisive mode of ordering the property of the first man who did not answer to his name to be sold; which seems to have been submitted to without any resistance or disturbance. An earlier instance is mentioned by Dionysius of a similar proceeding of the consuls in times of greater contest, and with the same success: but they took the further precaution of holding the levy just without the walls, where the (272.) jurisdiction of the tribunes did not extend, and where indeed it was not lawful for them even to appear.

It is remarkable that an expedient which solved so effectually an embarrassment of

Ch. VIII. such frequent recurrence should not have again been reverted to: for if the consuls had a right to take the enrolment where they pleased, why did they ever appoint it to be taken within the city when the tribunes were adverse?

The written law was probably silent upon this, as upon many other fundamental, and most important points. The authority and character of the consuls and tribunes for the time being, as their personal influence or abilities happened to preponderate, decided the unsteady multitude towards obedience or resistance, and drew the balance of their ill poised constitution alternately to the verge of despotism or democracy.

We find a disgraceful instance of a consul, L. Postumius, converting the services of the army to his private emolument, and employing the soldiers as labourers in the cultiva-
461. tion of his own estate. He was brought to trial, and found guilty.

In the criminal jurisprudence an alteration was made about the same period by the appointment of three judges for capital causes; but whether they were to supersede or assist the quæstors, who according to the old law

had this department of public justice; or, whether some particular crimes only were placed under their cognizance, the imperfect account of their original institution does not discriminate. In later times their jurisdiction seems to have been limited to offences committed by slaves and vagabonds; but citizens were not amenable to their tribunal.

CHAPTER IX.

First Punic War.

488. *Bef. Xt.* 264. THE first occasion of transporting the legions beyond sea, which forms an important era in the Roman annals, was in aid of the Mamertines, who held Messana by no better title than the Campanian legion had to the opposite port of Rhegium; they were soldiers of fortune originally belonging to Campania, and had served in the army of Agathocles tyrant of Sicily. The Carthaginians, in conjunction with Hiero king of Syracuse, were labouring to dislodge these lawless intruders whose city they had invested, with the best expectations of success.

The only chance of safety against the power of two such enemies combined was in the protection of the Romans, if it could be obtained; the besieged therefore despatched deputies to the senate, with an humble offer of surrendering Messana, and becoming their subjects.

The increasing power of Carthage, which was ready to grasp the whole dominion of Sicily, afforded arguments from political expediency for engaging in their defence; but the recent example of Rhegium formed a precedent from which it was difficult for the senate to depart, without compromising their integrity and consistency; they were therefore much disinclined to listen to their petition. If however the fathers entertained honourable scruples, the multitude had none; and war was proclaimed. Polybius says (in a passage already quoted) that the people, whose fortunes were much exhausted by their former wars, entertained hopes of repairing them in this; and that some of the leading men worked upon this thirst of private gain in their harangues to the multitude for the purpose of embarking them in war with the most ancient of their foreign allies.

The fourth treaty had been renewed not long before with Carthage; but it was determined without controversy (for who could venture to assert the contrary?) that it had been violated by the Carthaginians in assisting the Tarentines. Punic faith became proverbial afterwards: the Punic historians,

Chap. IX. if any there were, fell into disregard; their language was forgotten; and the conquerors gave their own account of all their reciprocal transactions, with the tone and colouring which they chose to put upon them. One hundred and eighteen years elapsed from the first rupture to the overthrow of the weaker of these mighty republics, of which number the first war occupied twenty four, the second seventeen, and the third four; the intervals of peace contained twenty four, and forty nine years.

The success of Pyrrhus had demonstrated that the Carthaginians had no solid footing in Sicily; the main difficulty was to come into contact with them, and to cross the strait which they guarded with a powerful squadron.

The Romans were absolutely without a single ship of war, or even any decked vessel according to Polybius: the Tarentines, Neapolitans, and Locrians lent them several boats of fifty oars, and some few galleys; but without a stratagem, seconded by extraordinary good fortune, the first crossing of the strait could not have been effected. Appius Claudius Caudex the consul pretended to

have absolutely abandoned the project of passing over into the island, and to have laid up the clumsy boats which were collected for that purpose. The feint answered beyond expectation; the negligence or incapacity of the enemy's admiral opposing no obstacle nor interruption to their passage. *Chap. IX.*

When once their troops were disembarked, it is not surprising that the Romans were successful. Hiero, a sagacious prince, perceived their ascendency to be so unquestionable when he came to act against them, and in concert with the Carthaginians, that 489. he changed his alliance during the second campaign, and remained faithful in his connexion ever afterwards.

The Romans, to whom his valuable cooperation was worth every thing, obliged him to pay one hundred silver talents for having dared to appear in arms against them. With such a feeling of superiority, and with maxims of such grandeur enforced by valour and perseverance, it cannot be wondered that they raised themselves to the sovereignty of the universe.

But without a great fleet the dominion of an island could not be maintained; it was

Chap. IX. therefore boldly determined to face the Carthaginians upon their own element. Florus relates, that within sixty days from cutting down the wood, the Romans completely built, equipped, and launched a fleet of one hundred and sixty sail. Such expedition appears utterly incredible; but we may reasonably believe that astonishing exertions were made for an object upon which the glory and aggrandizement of the republic depended.

C. Duilius who was consul with Cneius Cornelius Asina in the fifth campaign, had the command of this newly acquired force after his colleague had suffered some loss, and had fallen into the enemy's hands by treachery. A contrivance of coarse but powerful machinery was invented, for the purpose of reducing as much as possible every thing to the level of a land fight: when the enemy's galleys approached, they were grappled and lashed by means of an instrument called a crow; the lightness of the African vessels, and the skill of their commanders, were rendered ineffectual; and the seamen were terrified by this novel and
492. terrible mode of encounter. They lost eighty

of their ships before the action closed, and suffered a total defeat off the Lipari islands. *Chap. IX.*

The rejoicings at Rome knew no bounds; a naval triumph, and rostral column (which is still existing) eclipsed all continental victories; and a singular mark of permanent distinction was assumed by Duilius, in the privilege of being attended home by a torch and a flute, whenever he went out at night to supper.

There were some varieties of success during the following campaigns, both by sea and land. Agrigentum was taken by the Romans, but lost again seven years after; Panormus fell into their hands: the siege of Lilybæum was undertaken, but it held out, as well as Eryx, against all the Roman efforts to the end of the war. In the ninth year M. Atilius Regulus became consul with L. Manlius, and it was determined to carry the war into Africa, which was not 496. effected without a vigorous resistance from the Carthaginians, whose fleet was ruined and defeated off Ecnomus, owing to the cowardice of one of their admirals.

The landing was effected at Clypea with a great army under both the consuls, without

Chap. IX. resistance: every thing prospered which was undertaken; and the Romans thought they might venture to recall one of the consuls with the greater part of their troops and ships, leaving Regulus as proconsul to carry on the operations in Africa. What induced them to weaken their force where it ought to have continued strong, and to give up the advantage they gained, by having safely lodged within the enemy's country an army sufficient perhaps to have taken their capital, is not explained; but it seems that Sicily might have been easily conquered at the gates of Carthage, if after forming their plan with consummate wisdom, they had not unaccountably departed from it.

The continuance of his command was inconvenient to Regulus, on account of his private affairs; and he alleged as a reason for wishing to return, that his labourers had run away from his little farm, which made it necessary that he should come home to cultivate it.

The senate ordered the farm to be managed at the public expense, and took care of the subsistence of his wife and children. Success attended his arms, and many

towns surrendered to him. He overcame all that opposed him, among whom a serpent of enormous magnitude is commemorated by historians as not the least formidable and destructive of his antagonists, which fiercely defended the river Bagrada. Carthage trembled, and would have accepted moderate conditions; but she was not yet humbled enough to submit to those which Regulus insisted upon. 497.

The accidental arrival of a stranger operated a momentary but important change in the relative circumstances of the war. The Carthaginians, who employed large bodies of mercenary troops, had the good fortune to engage in their service Xantippus, and a party of Spartans, who reversed the prosperous career of the invaders; defeated their army almost to extinction, and took Regulus prisoner with about five hundred of his troops. Two thousand only out of the whole force escaped to Clypea. 497.

Xantippus, unfortunately for the Carthaginians, quitted their service not long after this memorable exploit; and the ascendant of their rivals returned. The Roman fleet however, after having gained a signal victory

Chap. IX. and brought away the remains of their army from Clypea with immense plunder, was so nearly destroyed by a violent tempest, that out of three hundred and sixty four, hardly eighty vessels escaped. They built another navy of two hundred and twenty sail, within three months, which was lost in the same manner; after which, for a time they grew
499. desponding as to naval affairs, and, turning from them with disgust, resolved to keep up only sixty ships.

The Carthaginians determined to make another overture for peace: but if a treaty could not be obtained, it was their desire to procure an exchange of prisoners; for the purpose of forwarding both which objects, they resolved to send their illustrious captive to his own country with their ambassadors. But they were much mistaken in the constancy and magnanimity of the Roman character. The wavering senate was overruled and decided by his manly and disinterested advice: the prisoners were left without ransom, and no treaty was admitted.

502. The noble exile returned to his chains, and taking an eternal leave of his dearest relatives and friends, quitted his native soil

with the same serenity of countenance and firmness of deportment, but with greater content and inward satisfaction than when he first set his foot upon it from the Carthaginian galley. Polybius, in the preliminary view which he gives of the first Punic war, takes no notice of the return of Regulus to Rome, nor of his death, stating only that he was taken prisoner and carried to Carthage; but the sequel of his story as delivered by other writers is, that the disappointment of his enemies incited their base minds to revenge, and that they put him to a lingering death with circumstances of excessive cruelty. An exchange of prisoners appears however to have been agreed and acted upon before the end of this war.

When the Romans ventured to sea again with a new armament, it was under the command of an obstinate and unskilful consul Appius Claudius Pulcher, who in contempt of the auspices ventured to risk a battle, in which he was defeated with great loss off 503.
Drepanum. When the sacred fowls would not eat, he contemptuously ordered them to be thrown into the sea, that they might drink. His countrymen, who were seldom

Chap. IX. violent against their commanders for want of success, called him to account for this flagrant instance of impiety, and condemned him to pay a heavy fine.

The senate obliged him on his return to nominate a dictator, when, with the same perverseness, he named Claudius Glaucias, one of his messengers; but means were found in some way or other to oblige Glaucias to abdicate, and that high office was conferred upon Attilius Calatinus. Glaucias was allowed afterwards to wear the robe of honour known by the name of prætexta at public spectacles.

Claudius did not long survive his disgrace: but the public resentment was renewed against his sister in a mode entirely
506. without example. It was made matter of accusation against her, that in a moment of impatience, and in the midst of a crowd which obstructed her carriage, she had uttered a wish that her brother were again alive to lose another fleet, that there might be fewer people left in Rome. These hasty expressions were considered as containing treasonable matter, for which she was brought to trial, and condemned to pay a fine of twenty five thousand pieces of brass.

Claudius's colleague L. Junius was equally unsuccessful: he and his quæstors lost two other divisions of the navy in the same year by the violence of the elements, and the inexperience of the pilots and officers. The contempt of auspices was charged against Junius also as the cause of his misfortune; he did not, however, like Claudius, wait for the judgment of the people, but laid violent hands on himself. *Chap. IX.*

Within the island of Sicily, after a considerable interval, their affairs began to wear a better aspect under the proconsul Cæcilius Metellus, who gained a distinguished victory before Panormus, and captured all the elephants, in which the main terror of the Carthaginian force consisted: he brought one hundred and twenty of them to Rome, to grace his triumph; which were afterwards baited, and killed, for the amusement of the people.

Amilcar had the direction of the Carthaginian affairs in Sicily during the five last years of the war; against whose abilities and vigour the Roman arms made so little progress, that they resolved once more to try their fortune on the sea. The voluntary exertions of the wealthy citizens furnished and

Chap. IX. fitted out another fleet, which the public resources, exhausted by so many expenses of the same kind, and by carrying on war out of Italy, were unable to supply. Some of the most opulent built single ships of five banks of oars; others combined in partnerships of two or three to furnish a ship: the whole number amounted to two hundred; and they were built upon a Rhodian model, which had fallen into their hands, better constructed, and lighter than their old vessels. The patriotic lenders had the public faith engaged to them for repayment, not at any definite period, but as soon as the treasury should be in a situation to reimburse them.

C. Lutatius Catulus at the head of this great armament had the glory of defeating near the Ægates islands the Carthaginian fleet, which was bringing a reinforcement of troops and a supply of provisions to Eryx. This victory proved decisive. Amilcar seeing no hope left of maintaining his ground, nor of bringing away his army, submitted to the hard conditions of evacuating the whole
510. island; of restoring the Roman prisoners without ransom; of paying two thousand two hundred talents of silver within twenty years;

and of restraining the Carthaginians from attacking Hiero, or any other allies of the Romans. *Chap. IX.*

The people, when these provisional terms were referred to them at Rome, directed that the first thousand talents should be paid immediately, and, shortening the period for the other payment to ten years, required the isles between Italy and Sicily also to be surrendered. Sardinia and Corsica were not expressly mentioned, both of which had been conquered by L. Cornelius Scipio; but as the Romans afterwards slighted them, they had fallen again into the power of the Carthaginians. 493.

During the dreadful struggle which the Carthaginians were obliged to sustain against their mercenary troops for more than three years after the conclusion of the first Punic war, the conduct of the Romans was honourable, and even friendly; but they retook Sardinia four years afterwards, and forced the Carthaginians to pay twelve hundred talents to avoid a renewal of the war, which had been actually proclaimed against them. Corsica was taken possession of without any obstruction on the part of Carthage: but both these islands gave some employment to 514.

Chap. IX. the Roman arms, before they subsided into the quiet state of provinces.

A second pretor was added during the Punic war to attend one of the consuls, when the other was detained at Rome by his office of priesthood; but the duties of this foreign pretor became afterwards judicial, and he presided in causes between citizens and strangers. The number of these magistrates was again
525. enlarged by an addition of two, a little before the second Punic war: two more were added
554. during the Macedonian war; and as the business of the courts of justice increased, or new provinces required superintendence, more pretors were from time to time created. Sylla made them eight, Julius Cæsar ten, and then sixteen; and Augustus still augmented their number.

517. The temple of Janus was shut for the second time during some few months only. A short war in the impracticable country of the Ligurians, and commotions in Sardinia and Corsica were succeeded by the aggression of a new enemy Teuta, queen of Illyria, who put to death one of the Roman ambassadors deputed by the senate to complain of the piracy of her subjects.

The queen unable to cope with the force which was sent against her, and deserted by Demetrius of Pharos the ablest general in her service submitted to pay a tribute, to abandon the greater part of Illyria, and to reduce her fleet to so low an establishment as to render it no longer formidable to the neighbouring states. *Chap. IX.*

There was a second Illyrian war, excited by the perfidy of the same Demetrius, who had been substituted by the Romans as guardian to the young king Pinæus, in the place of his mother, and had received great benefits from them. The strong post of Pharos, which he had fortified, was mastered beyond expectation by the contrivance and vigour of the consul L. Æmilius Paulus; and Demetrius making his escape with great difficulty, was constrained to fly for safety to the court of Macedon. 533.

The Romans prescribed their own conditions of peace, and Æmilius with his colleague M. Livius Salinator obtained the honour of a triumph. They were both afterwards accused, but the latter only was found guilty, of embezzlement and of an unfair division of the plunder; in which sentence

Chap. IX. of condemnation all the tribes, except the Mæcian, concurred.

A general combination of the Gallic nations seated in Italy created more serious alarms than the transactions in Illyria. The Boii, the Insubrians, and the settlers on each side of the Po were in arms: and the Gæsatæ were brought from beyond the Alps to serve their countrymen as mercenaries.

A prodigious force to the number of three hundred thousand men was collected to oppose them, and a much larger was offered by the Italian allies and auxiliaries, amounting to eight hundred thousand, ac-
526. cording to Fabius Pictor's relation, who bore arms in this war. In their first advance the Gauls overran a considerable part of Etruria, and advanced to Clusium; near which place they defeated a pretorian army: but the consuls coming up and unexpectedly uniting their forces, overcame them near
527. Telamon a port of Etruria and made an immense slaughter.

The senate was more than usually uneasy, and apprehensive while the event remained in suspense: the omens were unfavourable; and

some alarming predictions were found in the Sibylline books. The consuls Flaminius and Furius were commanded to return, on account of some inauspicious circumstance in their election, and by no means to risk a general action: but they were upon the point of giving battle when they received the letters of recall; and, suspecting the contents, delayed opening them until after the engagement, which they fought with such success as to entitle them to a triumph: they had, however, some difficulty in obtaining it from the people, on account of the disregard which they had shown to the religious observances. An inhuman sacrifice was made for the purpose of averting the evils which the prophecies predicted, by burying alive a Gallic man and woman, and a Greek man and woman in the cattle market. A repetition of the same barbarous cruelty was prescribed on the authority of the Sibylline books during the second Punic war, and again about a century later.

Chap. IX.

529.

526.

536.

639.

The Gauls were worsted, but not subdued at Telamon; and the glory of terminating the Gallic war was reserved for Marcellus, who slew with his own hand Brito-

530.

Chap. IX. mart, or Viridomarus, king of the Insubrians, and graced his triumph with the third and last spoils which were entitled to a place in the Temple of Feretrian Jupiter. Milan was taken, the Gallic territory and towns were surrendered; and the Romans, after somewhat more than five centuries of almost continued warfare, had the satisfaction of beholding nothing within the limits of Italy that was not either their own domain or the property of their allies, or held by those who were their tributaries and dependents.

The Roman army had never before crossed the Po; but it was thought expedient to secure the fruits of Marcellus's
533. victory by sending colonies into Placentia and Cremona; which gave great umbrage to the Gauls, and furnished them with an additional inducement to favour the views of the first invader of Italy. Some of the lands of the Senones had been divided not long before at the instance of the tribune Flaminius, against the remonstrances of the senate, who, besides their inherent dread of every Agrarian proposition from that quarter, foresaw that it was likely to irritate and indispose the whole Gallic confederacy.

A remarkable example of parental authority, and of the respect with which it was universally regarded, occurred upon the agitation of this law: whilst Flaminius the tribune was haranguing the people in favour of it, his father, who was extremely averse to its passing, laid hold on him in the public assembly, and carried him away without the least interruption from the bystanders, who were listening to his popular oratory with pleasure and approbation.

As the territory became extended, the convenience as well as the dignity of the commonwealth required that the distant parts of the same dominion should be connected by commodious roads: the Appian Way, which has been restored by Pope Pius VI. in our own days, was laid out and completed under the direction of Appius Claudius Cœcus; and the Flaminian Way and Circus were the works of Flaminius 532.
when he was censor.

CHAPTER X.

Second Punic War.

The light of Livy's history, after suffering an eclipse of seventy four years, shines out again at a most interesting period, the opening of the second Punic war, which he has described in a manner worthy of the dignity and variety of his subject, and of the extraordinary characters who were the chief actors in this tremendous struggle between the two most powerful republics of the world. We have also the valuable and judicious account of Polybius, who had opportunities of receiving information from some of those who bore an active and distinguished part in this war, and was also led by his own spirit of inquiry to view the scenes of these great occurrences. Unfortunately for the accuracy and veracity of history these two great authorities are not always agreed; and it is doubtful, with such pretensions on the part of each, to which of them the preference ought to be assigned.

The causes of this memorable contest may be traced up to the humiliation which the Carthaginians experienced in the termination of the former; to the unjust spirit of encroachment which the Romans had subsequently manifested in extorting Sardinia, and an additional contribution of twelve hundred talents from them; and to the ambition and talents of three eminent men of the same family strenuously exerted in restoring the affairs of their country, and raising her to an eminence from which she might venture to defy her powerful rival, with every prospect of success.

The conquests of Amilcar in Spain, extended by the ability of his son-in-law Asdrubal who succeeded him in the command, inspired the ardent and aspiring mind of young Hannibal with a desire to emulate his father's glory, and to fulfil his injunctions.

He inherited the full measure of Amilcar's hatred towards Rome, to which he was bound by the additional obligation of an oath imposed upon him, almost in his infancy, by his father; and whatever other disregard of promises, or violations of faith, may have

Chap. X. been objected to him, certain it is, that no man could have observed this vow of eternal enmity more conscientiously, nor have adhered to it with more fidelity to the last hour of his existence.

534. He began his extraordinary career by laying siege to Saguntum, a city in alliance with Rome, and indisputably out of the Carthaginian province, which the leading men in the senate seemed to consider as so safe under the faith of an express treaty and the Roman protection, that they neglected to stretch out a timely hand to save the most faithful and unfortunate of their confederates. All they thought it necessary to do in the first instance, was to send a remonstrance to Hannibal, requiring him to desist from hostile operations; and afterwards, by an embassy to Carthage, to demand their young general to be disavowed and delivered up, on account of his infraction of the last convention concluded not many years before with Asdrubal, which had regulated the state of affairs in Spain, and fixed the river Iberus as the boundary of the Carthaginian dominion. In these ineffectual representations eight months elapsed; the siege was

pressed; the miserable Saguntines reduced to the most dreadful extremities, when every thing which could serve for aliment was exhausted, sustained life by devouring their comrades, until all hope of relief was utterly extinguished: in this state of desperation and abandonment, still rising superior to adversity and determined to maintain their fidelity to the last, they threw themselves, their wives, and children, with whatever was most valuable into the flames, and perished in the conflagration.

After settling the affairs of Spain, and leaving a considerable force to maintain tranquillity there, Hannibal assembled his army at New Carthage early in the spring and commenced his stupendous march, the labour of five months; of which the passage of the Alps occupied fifteen days.

The particulars as given in considerable detail by both the historians are well worth examining and comparing, on account of the extraordinary difficulties and dangers of the attempt, of the ability perseverance and fortitude by which they were surmounted, and of the lively and evident manner in which they are described.

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The exact spot in the extensive chain of mountains where this vast army effected its passage is not settled: Polybius, from ocular observation, places it near the source of the Rhone, about what is now called the Great St. Bernard: the Roman historian is supposed to fix it somewhere about what is now called Mount Cenis: but modern travellers who have entered Italy by that inlet, must have observed, that there is no commanding point, nor elevated summit from which the general could have shown to his army the extensive plain of Lombardy lying at their feet, as he is represented to have done by both authors. In one part of the descent a pass of tremendous difficulty is noticed by both; to extricate his army from which, (for it is upon one occasion only) Livy informs us that use was made of vinegar, by which the rocks of snow were dissolved or made rotten, after being heated by means of trees burnt on the top of them.

The Grecian historian says, that after being obliged to halt, and pass the night on this dreadful spot, Hannibal had a road constructed across or along the chasm; which in one day was made sufficiently wide

for every thing except the elephants, and in three days more was capable of admitting them also: but it does not appear what his materials for such a work could have been, unless he made use of the masses of ice which were at hand, and of the trees which were within distance. Vinegar was probably the beverage of his army mixed with water, as it was frequently of the Roman soldiers; there is therefore nothing incredible in his having a large provision of it. *Chap. X.*

During his ascent he was extremely annoyed by the attacks of large bodies of the inhabitants, and he was obliged to make himself master of one considerable town belonging to the Allobroges: in his descent, the attacks of the natives were less open, and more cautious; but the natural impediments were, if possible, greater, and his loss not less. He brought into Italy twenty thousand foot, and six thousand horse: the number of elephants is not mentioned: he crossed the Rhone with thirty seven, but he had only one left at the time of the battle of Trebia: of his soldiers nearly as many perished in crossing the Alps, as survived.

Polybius mentions having seen at Laci-

Chap. X. nium a brass plate engraved by Hannibal's order, with the particulars of the forces which he commanded, and the distribution and allotment of them to the services of Africa, Spain, and Italy.

The extraordinary circumstances which attended this great enterprise, the astonishing calamities in which it involved Rome, and the magnitude of the dominion which it brought into hazard, have affixed the additional character of originality to this attempt: but it was not the first army which had crossed those mountains: and only some few years before, we read of two bodies of the Gæsatæ a transalpine people coming over for hire, to fight the battles of their countrymen upon the banks of the Po. Why Hannibal neglected to avail himself of the passage which they had practised, or why with the means and address he seems to have employed to conciliate the Gauls, he should have found rocks and deserts, apparently most unfit for habitation, so full not only of inhabitants but of enemies, are points not satisfactorily explained by ancient or modern inquirers.

The force with which the Romans began

the war consisted of twenty four thousand of their own, and forty four thousand of the allied infantry; of eighteen thousand of their own, and four thousand of the allied cavalry: their navy was composed of two hundred and twenty galleys of five banks of oars, and twenty small ships. *Chap. X.*

The number of citizens registered at the last time of taking the census was two hundred and seventy thousand two hundred and thirteen, in the year before the war broke out. 532.

The rapidity of the enemy's movements frustrated all their schemes: they hoped to confine the war to Spain, which was allotted as a province to one of the consuls P. Cornelius Scipio; the other T. Sempronius Longus taking charge of Sicily and Africa. Cornelius, when he arrived at the mouth of the Rhone on his progress towards the Pyrenees, was surprised to hear that the Carthaginian force was upon the banks of the same river disputing the passage with the Gauls: and the two armies were so near to each other, that a skirmish happened between two parties of their horse, in which the Romans had the advantage: but Hannibal was de-

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sirous of carrying his forces entire into Italy, and therefore steadily pursued his course without being diverted by the presence of the consular army; and Scipio, seeing that it could be to no purpose to prosecute his march towards his province, re-embarked his troops, and landing in Liguria led them to the foot of the Alps, awaiting the descent of the Carthaginians.

The first action was near the little river Ticinus at its junction with the Po; in which the Numidian cavalry, by surrounding the Roman, gained the day: the consul received a wound, which added to the confusion and rout; and his life was preserved only by the timely assistance of his son, who gave in this battle a presage of his future valour and celebrity.

The routed army retired to Placentia; but a desertion of the Gauls to the enemy making that position insecure, the consul removed to Trebia, where he was joined by his colleague whom the senate had recalled from Sicily. In their first interview, his best endeavours and exhortations were exerted, but in vain, to dissuade Sempronius from hazarding a battle.

The shortness of an annual command, among many advantages, had this dangerous inconvenience, that few men possessed so phlegmatic a temper, or so little confidence in their talents and fortune, as to abstain from risking every thing upon the only cast which was likely to establish their own fame and reputation.

The battle of Trebia was gained by an ambuscade into which the Romans were incautiously drawn by the Numidian horse; but they fought also to extreme disadvantage from the intense inclemency of the weather, to which they were much longer exposed than the Carthaginians, whom Hannibal took care to send into the field not before the moment of action, and in a state of warmth and comfort, from being well fed, and their bodies rubbed over with oil. Placentia received about ten thousand of the flying army: the rest were killed in the battle, or the pursuit.

The same rashness, and eagerness for distinction in one of the consuls of the next year C. Flaminius brought on and lost the more sanguinary battle of the lake Trasimene. The death of the consul was not to

Chap. X. be regretted; but it is extraordinary that in such times, the Romans should have trusted their whole fortune to a commander in whom they had so little confidence, that he went into his province by stealth, and refused to return though the senate recalled him.

Hannibal for the sake of a shorter road had made an extraordinary march to come up with Flaminius, at Arretium. His army endured incredible hardships for four days, in a marshy and impracticable country, full of unwholesome vapours. The general mounted on his only remaining elephant, lost one of his eyes by these noxious effluvia: but no bodily suffering could check his desire of reaching his enemy; and when he came up with him, the dreadful fatigues of the march were amply compensated by the importance of the victory.

It is related as a mark of his wary and suspicious nature, that he used to disguise himself by frequent change of habit, and by wearing hair of different colours: he distrusted above all the fickleness and inconstancy of the Gauls: though amongst his great talents it was not the least to keep together and discipline an army composed of so many discordant and barbarous nations.

At Rome the public consternation called loudly for a dictator; but the surviving consul was absent, and there was no legitimate mode of making the appointment. The people therefore nominated Q. Fabius Maximus, but they called him only pro dictator, and they gave him for master of the horse M. Minucius Rufus.

Fabius had the wisdom to profit by the errors of his presumptuous predecessors: caution circumspection and delay were the weapons which he opposed to the energy activity and ascendant of his antagonist. He once reduced him to a situation of great danger; and with his own army upon the hills occupied a narrow pass between Falernum and Capua, which it was necessary for the other to traverse. The fertility of Hannibal's mind extricated him by a singular stratagem: in the dead of the night, he directed two thousand oxen with lighted fagots between their horns, to be driven upwards towards the Roman camp: the strangeness of the sight, and uncertainty of the danger, created the alarm and suspense which he stood in need of for the moment; and his army passed the defile unmolested.

Chap. X. Caution is never a popular virtue: the many became valiant, while they were kept from action; and Minucius with a disposition similar, and a capacity not superior to Sempronius and Flaminius, was not deterred by their disasters. A slight advantage which he gained over a foraging party in the absence of Fabius was magnified and extolled: the inactivity of the commander in chief was censured and despised in the camp, and execrated in the city; and the levity of the people, by a second assumption of power without precedent, raised the master of the horse to be the colleague of his dictator. Fabius insisted upon dividing the army; and it was fortunate for them both that he did so; for it gave him an opportunity of preserving the other half from an unequal combat, in which the rashness and impetuosity of Minucius, and the skill of Hannibal had actually engaged them. Humbled by his failure, and not exasperated against his deliverer the newly made dictator returned to his obedience, and renounced his ill acquired honours at the feet of Fabius.

With L. Æmilius Paulus, already distinguished by his achievements in Illyricum,

C. Terentius Varro was elected consul; who entered into office with a full determination to reap the glory of putting an end to the war; and a partial action, in which about seventeen hundred of the enemy fell, increased his confidence and presumption. It was a time, of all others, when the system of Fabius ought to have been followed: Hannibal was so straitened for provisions as not to have subsistence for ten days, and the Spaniards were reported to be upon the point of leaving him. 536. Bef. Xt. 216.

At Cannæ, on the banks of the Aufidus, the obstinacy and imprudence of Terentius exposed the Romans to an overthrow, which nothing but the radical strength drawn from their government, the firmness and ability of two or three eminent men, and above all the unaccountable irresolution and delay of the great Hannibal, in the hour of his glory and triumph, could have enabled them to recover.

Forty three thousand Romans were left dead upon the field, and amongst them the consul Æmilius, twenty military tribunes, and eighty senators. The surviving consul fled to Canusium with only seventy horse.

Chap. X. When the news reached the city, they bore up against this dreadful disaster with a very different spirit from that which their ancestors had shown, a hundred and seventy one years before, upon occasion of the much lighter defeat at Allia: there was no panic, no despondency, nor any mean attempt to excuse the general failure by throwing the whole blame upon the immediate author of it; so far from impeaching or censuring Terentius, when he returned with a larger force collected at Canusium than was supposed to have survived the battle, the whole senate, with Fabius at their head, and all orders of men went out in a body to meet him, and publicly thanked him, because he had not despaired of the commonwealth. That domestic affliction and lamentation should not engross and distract their thoughts from all solicitude for the public, the senate prohibited the matrons from mourning more than thirty days. Their other resolutions were taken with the same magnanimity: new levies were instantly set on foot; M. Junius was named dictator; an unprecedented mode of recruiting was resorted to, by purchasing and arming eight thousand slaves, who voluntarily

offered their services with the consent of their masters; criminals, and persons imprisoned for fines were also liberated upon condition of becoming soldiers; and youths under the military age of seventeen were admitted into the ranks.

Hannibal offered to restore the prisoners who had surrendered to him, upon a very moderate ransom; but the senate firmly refused it, partly for the purpose of setting a striking example of severity, and partly from the poverty of their own treasury, and the information they received that the enemy was also in great want of money.

It was by no means their universal maxim to decline such exchanges; and notwithstanding the splendid instance of Regulus, it appears that during the greater part of the first war a regular rate of ransom had been settled, which was to be paid according to the numbers by whichever party should receive more than were returned. Fabius, when he was dictator, took it so much as an established rule, that he negotiated a transaction of this sort upon the old basis, without consulting the senate; and the demur which arose about issuing the payment, proceeded

Chap. X. only from the ill humour which prevailed at that time against the dictator, and not on account of the cartel itself.

Fabius, who could not endure a breach of contract, even with an enemy, sent his son to Rome to dispose of his estate, which had been insidiously spared by the Carthaginians, when those around it were laid waste; and he paid out of the proceeds the
535. debt to Hannibal which amounted to about six talents: nor would he ever receive back from the individuals who benefited by his bounty the price of their liberty.

The senate did not extend the same measure of indulgence towards their general, and towards those who served under him in the ranks; but judging it expedient to stigmatize the latter, they sent them all into Sicily, and doomed them to serve there without pay, and without any hope of returning home so long as the enemy should remain in Italy; adding, besides other circumstances of humiliation and mortification, that no exemptions, nor rewards of honour should be granted to any of them.

This elevated sentiment of bearing up against misfortune, and struggling with adver-

sity, though generally diffused through both the higher and lower orders, cannot be said to have been absolutely without exception. Among the young men of family there were some degenerate spirits who in this moment of consternation were ready to give up all for lost, and had actually formed an agreement at Canusium to abandon their country, and settle elsewhere; but young P. Scipio retained them in their duty, and urging menaces rather than persuasions to minds under the dominion of fear, he obliged them by the sanction of an oath to desist from their purpose.

The same fatal year gave a blow to the Romans in Cisalpine Gaul, which would have been felt as a grievous misfortune if Cannæ had not eclipsed all other losses: an army of twenty five thousand men, with L. Postumius consul elect, was entirely cut off by a stratagem of the Boii, who surrounded them in a forest called Litana, and overwhelmed them by the fall of trees, which the barbarians had almost sawed through, and left in a state ready to fall; but their artifice was so well concealed as to create no suspicion.

The pecuniary difficulties of the state

Chap. X. were relieved, during this period of unexampled pressure, by the zeal and public spirit of individuals. The payment for the slaves was postponed by the consent of their masters, until the conclusion of the war. Contractors stood forward to provide for the furnishing of whatever was necessary for the army in Spain, with an allowance of the same indefinite credit; and in the home service, those branches which were usually performed by contract were readily engaged for by new undertakers, or continued by the old with the same disinterestedness.

This practice of letting out a great variety of works and services to contractors, both in times of peace and of war, extended over a numerous class of public concerns; such as the improvement and care of ports, rivers, gardens, mines, buildings, and repairs, together with many others: and Polybius reckons this dependence of a large mass of the people upon the senate, by means of the censors whose province it was to make these agreements, as one of the main causes which held together the higher and lower orders, and kept them in union. The money of widows and of infants became another

resource in this public distress, being deposited in the treasury by their guardians, and intrusted to the public faith. This general example of liberality was followed by the army; the knights and centurions declined taking their pay. *Chap. X.*

The number of senators was greatly diminished by these repeated defeats; and the two censors, who had the right of supplying that august body, were involved in the last great carnage: recourse was therefore had to a dictator, for the sole purpose of filling up the senate, although there was another dictator at the same time.

M. Fabius Buteo was called to discharge this duty, which he executed with great impartiality, and to the general satisfaction: he admitted first, all who had held curule magistracies; secondly, all those who had been ediles, tribunes, and quæstors; and lastly, those whose houses were adorned with the spoils of an enemy, or who had received a civic crown. The number added was one hundred and seventy; after which the dictator immediately abdicated his office. 536.

The allies and dependents of Rome, no longer awed by her power, began to follow

Chap. X. the tide of fortune: the old Greek colonies in the south fell from her; and Hannibal made choice of the delightful and voluptuous residence of Capua, for his winter quarters. The spirit of those who were habituated to toil was rapidly enervated by indulgence; and the luxury and abundance of the capital of Campania subdued the heroes of Cannæ. The fortune of Hannibal, if not his genius, felt an ebb; and though he maintained himself for thirteen years longer in the enemy's country without suffering any considerable defeat, he was never afterwards able to gain a decisive victory: his numbers were reduced, besides his losses in battle, by the garrisons which his extensive victories obliged him to maintain; no sufficient supplies reached him from Africa; and he found himself constrained to act mostly on the defensive. His antagonists, it is true, profiting by calamitous experience conducted the war more rationally, and were more circumspect in the election of commanders: and Hannibal found himself oftener opposed by the prudence of Fabius, or the vigour of Marcellus, who were denominated justly enough the Buckler and

Sword of Rome, than to such men as he had before contended with. *Chap. X.*

Upon one occasion, when Fabius was holding the election for consuls, he interposed irregularly to stop the poll, and even threatened the favourite candidate for whom the first votes had been given, because he judged him unequal to the conjuncture: the polling was upon this remonstrance actually begun anew; and the assembly, upon reconsideration, continued Fabius himself in the consulate, and gave him Marcellus for his colleague. 538.

It had been the glory of the latter of these great men, when he was pretor, in the year after the battle of Cannæ, to gain the first decided advantage that began to wither the laurels of Hannibal; the action was fought before Nola: and the Carthaginian was afterwards twice foiled by the same commander in endeavouring to make himself master of that place by force or by treachery. Success in other parts of the world afforded some sort of counterpoise to the disasters in Italy. The Roman arms recovered Sardinia and Corsica; and repelled the first hostilities of the king of

Chap. X. Macedon, who had recently formed an alliance with their enemy, and the war began by attacking Apollonia and Oricum, in a manner which did no credit to his judgment or military talents. But in Spain above all, P. and Cn. Scipio during seven campaigns extended the reputation and dominion of their country, and prevented those succours from being sent to Hannibal which he stood so much in need of, and which were once actually on their march under Asdrubal, and proceeding to join him.

Great and unexpected prosperity made the Carthaginian senate tardy and negligent when they should have urged, and made the most of the hour of their ascendant. There was always a powerful party against the family of Hannibal; but the senators were much more numerous who supported him, and it was in their power to have carried things as he wished: they contented themselves however with voting large supplies, some of which were never raised, and others were intercepted long before they could reach their destination. A certain number of recruits, and forty elephants appear to have been all that joined Hannibal

in the year subsequent to the battle of Cannæ. But it is not a little extraordinary how soon afterwards he began to lose some of his Spanish, and even of his Numidian horse, who upon several occasions went over to the enemy, and performed signal service against him during the remainder of the war: twelve hundred of the latter are mentioned as being in Rome when Hannibal some years after showed himself at the gates. *Chap. X.*

Besides the spontaneous assistance from private funds, the consuls, according to a decree of the senate for further supplying the exigencies of the service, called upon all those who were in circumstances to afford it to furnish rowers for the fleet, dividing them into classes according to their registered property, and beginning with those who possessed from fifty thousand to one hundred thousand pieces of brass: every citizen of this fortune was obliged to furnish one seaman, with pay for six months: those who possessed from one hundred thousand to three hundred thousand, were to send three seamen, with pay for a year; those who had from three hundred thousand to one million, were bound to send five sea- 538.

Chap. X. men; all those who were rated at more than one million, were to furnish seven, and every senator eight with pay for a year: and their masters furnished them all with provisions for thirty days. It is difficult to imagine how such men as Regulus, Curius, and Fabricius, if any of that stamp remained in the senate, could have possessed the means of answering such a demand; and according to the mode recently adopted by Buteo, it appears that several must have been admitted of slender substance, and from low stations of life.

537. The rate of tribute had been doubled by the sole authority of the senate for one year after the battle of Cannæ. A reduction in the soldiers' pay is supposed by some writers to have taken place in consequence of the same necessities of the state; but the passage in Pliny which is quoted to support this opinion proves nothing with regard to the army, which did not equally affect every other description of persons receiving money from the treasury in coin of less intrinsic value than before the war: and even this inconvenience was qualified with regard to the army by a special indulgence which extended to no other class.

What Pliny says is, that in the first Punic war the weight of the brazen piece called As was diminished by five parts in six, and that the debt was paid off in that inferior coin: that in the second Punic war (while Fabius was dictator) another diminution took place, so as to reduce what was still called by the same denomination from two ounces to one, making the coin which weighed one pound of metal before the first Punic war to weigh only one ounce after the second. At the same time the silver denarius, the value of which was formerly equal to ten pieces of the As, was made exchangeable for sixteen. But by a sort of countervailing regulation the army reaped considerable advantage; for the denarius continued to be issued to the soldiers as equivalent to ten brazen pieces and no more, when it was worth sixteen in the market for the purchase of all commodities. It is remarkable that nothing was added to the pay of the army in consequence of the increasing wealth of the republic after the conquest of Greece; nor by Marius, nor Sylla who effected every thing by means of their armies, although the As seems to have been again reduced in the proportion of another

Chap. X. half so as to weigh no more than the half ounce, by a law called Papirian; but who the mover of that law was, or at what time he lived is uncertain. Julius Cæsar doubled the military pay, raising it to ten pieces of the As by the day, instead of five: it was however so much the custom to pay the legions in the silver coin of the denarius, as to make it a cause of complaint if ever they were paid in baser money, which in fact was attended with the loss of the whole difference between sixteen and ten.

Such was in general the disposition of all classes and conditions of men to assist the necessities of their country, and to sacrifice private emolument to the public service. But it must not be imagined, even in this prevailing effervescence of patriotism, that there were no examples of selfishness, fraud, and corruption. A contractor named Postumius Pyrgensis was discovered to be guilty of every sort of dishonesty in supplying the army by sea, and to have cheated the public enormously, sometimes by pretended, and sometimes by contrived shipwrecks. It was strongly suspected that this mode of dealing went farther, and was not

confined to one commissary; but the senate deemed it an unfit time to alarm the great body of contractors, and disgust the whole equestrian order. The people however more direct, and less considerate, in their desire of bringing a criminal to justice cited him by their tribunes; and were proceeding to sentence him to pay two hundred thousand pieces of brass, when the contractor and his friends broke violently into the assembly, and raised so alarming a tumult that the tribunes, urged by the advice of the consul, instantly dissolved the meeting. It was then determined to proceed against Postumius capitally, and they ordered him to find sureties for his appearance; but he was afraid to abide the trial, and deserting those who stood bound for him was banished in his absence, and interdicted from fire and water. Most of his accomplices in the riot avoided judgment in the same manner.

Chap. X.

540.

There was one occasion also, in the year in which Capua was retaken, where a demand upon the people by a decree of the senate for providing seamen in the mode which had been so cheerfully asquiesced in

Chap. X. before, was received with extreme discontent, and even with symptoms of resistance and disturbance: but the judgment and moderation of the consuls effected by management and example what it might have been difficult to carry through by authority: they advised the senators to set the pattern of a voluntary contribution upon the largest scale by bringing all their gold and silver into the treasury; which was agreed to immediately, with the reserve only of some trifling ornaments: the spirit of the other orders was excited, and all contributed readily according to their means: so that the whole supply was soon forthcoming, without any further murmur or reluctance.

A dispute with their colonies was likely to have produced more serious consequences, if it had spread as widely as there was reason to apprehend: twelve out of the thirty pleaded their utter incompetence, and absolutely refused any farther supplies of men or money; but fortunately the remaining eighteen were better disposed, and professed their willingness as well as ability to minister to the wants of the parent state. It was thought safer, as well as more digni-

fied to pass over in silence the failure of the first; but it was not forgotten at a season more convenient for retribution. *Chap. X.*

A reserved stock called the twentieth gold, arising from that proportion of the purchase money of every slave's freedom, or of the slave's value if he received his manumission gratuitously, which had been appropriated to the public service from the end of the fourth century, and kept in the interior treasury against a time of necessity, was brought out; and four thousand pounds weight of gold were distributed out of this fund among their several commanders towards the expenses of the campaign. 543. (398.)

A conscription was directed to be made throughout Italy of all the young men fit to serve, and of those under the military age of seventeen who were strong enough to bear arms; and two sets of commissioners were appointed by the senate to make a circuit for this purpose, and to enroll as many as they could discover. Recourse was had to the authority of the people to enact that the military duty of those within the legitimate age should reckon as service; but the senate does not seem to have consulted the

Chap. X. commonalty with regard to the conscription itself.

The calamities of the time, and the continual influx of strangers into the city introduced a variety of foreign superstitions to the neglect of the established worship. Diviners and sorcerers drew such vast flocks about them in the forum, that the ediles and triumvirs were in great danger of violence when they endeavoured to remove them.

539. The senate took the alarm; and directed the pretor to put a stop to these growing heresies. All books treating of occult and mysterious arts, all forms of prayer, and directories for oblations or vows were ordered to be delivered up to him; and all unaccustomed rites of sacrifice were absolutely prohibited. The prophecies of one Marcius which predicted the disaster at Cannæ were found among the condemned volumes: and attention was paid to the expiations which he had pointed out; but it is not said of what country this prophet was, nor at what period he lived.

537. The death of Hiero, which happened about the same period of the war, laid a foundation for terrible calamities and con-

vulsions in the kingdom of Sicily, in which he was succeeded by his grandson Hieronymus a weak and profligate young man, who began his reign by counteracting the wise system which had kept that island for many years in quiet and prosperity, and breaking off the subsisting alliance with Rome, he entered into engagements with the Carthaginians. Hieronymus himself was very soon taken off by assassination; but the troubles, instead of subsiding, were only increased by the fall of the tyrant: a revolutionary spirit seized the people of Syracuse; they put to death all the branches of the royal family, and proclaiming themselves free shut their gates against their former friends. *Chap. X.*

The siege of this strong and noble city forms one of the great events of this memorable war; in which all the perseverance and power of the Romans, all the military knowledge and vigour of Marcellus were baffled 540. by the genius exertion and science of a single man, the great Archimedes; who applying the discoveries of philosophy to the service of his country, and carrying into practice the principles of mechanics constructed machines of far greater power than

Chap. X. any of those by which they were attacked: he pulled up the shipping by vast levers armed with chains; and discharged masses of such magnitude on those who approached the walls, that they were after many fruitless attempts obliged to abandon all hopes of battering or scaling them, and to sit down patiently with the intention of cutting off all supplies, and reducing the garrison by famine. Some later authors assert, that Archimedes burnt the Roman fleet by means of mirrors which collected the solar rays, and reduced the ships to ashes, at the distance of a bow shot; but neither the Greek nor Roman historian, nor Plutarch, though each of them describes the extraordinary application which was made of the mechanical powers, mentions this more surprising in-
540. stance of the use of catoptrics. In the third year of the siege, part of the city was lost by the negligence of the inhabitants during a day of festival: an epidemic disease raged at the same time within the walls, and swept off many of their own soldiers, and all the Carthaginians: but the strongest posts were still entire and impregnable, and fell into the hands of Marcellus only through the

treachery of a Spanish general who was intrusted with a principal command in the line of fortification. *Chap. X.*

The licentiousness of the conquerors was let loose upon the persons and property of the Syracusans; and Archimedes, the ornament and wonder of the age, was sacrificed in the indiscriminate slaughter. He was engaged in considering diagrams which he had traced out in the dust, when a soldier despatched him without knowing or heeding who or what he was, to the great regret of the proconsul, who was extremely desirous of saving the life of so extraordinary a man. The plunder of Syracuse was immense; it ranked as a city equal in opulence to Carthage, and abounded in works of exquisite art. Marcellus set the first example of taking from the temples the treasures of painting and sculpture, and of ransacking every place sacred and profane, for the purpose of adorning and decorating Rome. It was not long after this disaster that the Carthaginians were finally expelled from Sicily, on the surrender of Agrigentum to the consul Lævinus, by a Numidian. 542

The fall of Capua was a still more severe

Chap. X. blow to the affairs and reputation of Hannibal. He used every exertion, and omitted no effort to raise the siege; he defeated two armies under the centurion Centenius Pœnula, and the pretor Fulvius; he made a forced march to Rome, and pitching his camp within three miles of the walls upon the Anio, and riding himself up to the Colline gate threw the capital itself into a momentary consternation. The terrified matrons went about to all the temples as suppliants, sweeping the pavement with their hair. It happened however most opportunely that a legion newly enrolled was mustered on that very day, and another levy was going on, which occasioned an uncommon concourse of military men from the country: and with these means of defence, which were utterly out of the calculation of the Carthaginian, the new consuls ventured out, and boldly faced him. Polybius does not admit that either of the two besieging armies was moved from Capua; but Livy says that Fulvius Flaccus entered Rome with one of them, and that he arrived there as soon as the enemy. Battle was offered by Hannibal, and not declined by the Romans; but so

violent a tempest arose on two following days as to prevent an action; and the Carthaginian took it as an omen against prosecuting the enterprise. He was not a little mortified to hear that the very spot which his tents covered, happening to be brought to sale upon one of these days, fetched a fair price; and that recruits were actually sent out to the army in Spain by one gate, while he was so near to the other. *Chap. X.*

The fate of Capua was not retarded by this diversion, nor did Hannibal make any further effort to save it: his deserted and despairing friends held a memorable banquet in the house of Vibius Virius, where twenty seven of the senators after feasting plentifully drank a last farewell to each other in a cup of poison, and expired just before the city surrendered. Those who did not choose to attend the feast preserved their lives only for the axe of the executioner; for the Roman proconsul showed them no mercy, and hastened their death for fear that the senate might be more indulgent, and countermand it. 541.

Hannibal, on his return, endeavoured by the rapidity of an unexpected movement to

Chap. X. make himself master of Rhegium; but in this also he was disappointed.

When affairs at length began to take this prosperous turn in Italy, a dreadful reverse altered the posture of the Roman prospects
540. in Spain, by the total defeat and death of the two Scipios in the seventh year of their operations. They had most injudiciously divided their power, to make head against three powerful armies of the enemy; the natural consequence of which was that all the fruits of the union of their counsels, and the concentrating of their forces were entirely lost by their separation. Publius with the whole body under his command was first cut off; after which, the victorious troops joining with those opposed to Cnæus overpowered and entirely defeated his division also. What rendered the event inevitable was the desertion of the Celtiberians (the first mercenaries ever employed by the Romans) who went over to the enemy in the hour of danger. Masinissa, at an early age, was then in the command of the Numidian horse, as an ally of the Carthaginians. The two brothers met their fate within thirty days of each other: and the whole Peninsula must

have relapsed under the dominion of Carthage, if a brave knight L. Marcius had not collected and reanimated the remains of the vanquished armies. After being chosen for their general by a military election, he led them on with such success as to slaughter a prodigious number of the enemy, and to take two of their camps. But the glory of permanently restoring the Roman ascendancy in Spain was reserved for young Scipio the son of Publius, who when the old and experienced commanders, and those to whom the public looked up appeared to shrink from the task, and decline a province full of hazard, and overcast by the ill omen of recent calamity, boldly stood forward at the age of twenty four soliciting the perilous adventure, which was committed to his charge with the unanimous applause and admiration of all. *Chap. X.*

Their favourable prognostics were not diappointed: Scipio began his prosperous course by making himself master of New Carthage the chief place of strength and consequence, together with the arsenal and treasury of the Carthaginians in a single day. His generous treatment of the hostages whom 542.

Chap. X. he found there; the restoration of the wives and children to their husbands and parents; and the remarkable instance of giving up to a chief of the Celtiberians a beautiful Spaniard betrothed to him, whom Scipio's companions had selected for their general, on account of her personal charms, insured to him a stronger hold over the affections and good will of the natives, than his military prowess gave him over their towns and territories. There was an extraordinary grandeur and elevation in his character which commanded respect, and excited awe as towards some superior being; and Scipio himself, like Alexander, was fond of indulging and encouraging a notion that his origin was higher and more august than that of ordinary mortals. Affability, moderation, and liberality tempered these extravagant pretensions, and were in fact the best endowments which he derived from the divinity.

The last transient gleam of prosperity which shone upon Hannibal was in the eleventh year of the war against the consuls
544. Marcellus and Crispinus: they both imprudently went out together, accompanied by a small body of horse, to examine a position

between the two camps, which the Carthaginian had already taken advantage of as a spot fit for an ambuscade: some of his Numidians rushed out on a sudden, and surrounded them; Crispinus fought through and escaped, but not without a mortal wound, which put an end to his life before his magistracy expired. Marcellus, the first successful opponent of Hannibal, and raised by his great services to a fifth consulate was left dead upon the field with those about him.

Though the extreme part of Italy was thus held against the Romans, and there were no immediate hopes of reducing it to obedience, the forces of Hannibal were so much diminished as to make it impossible for him to carry on an active and offensive warfare, or to do more than maintain himself, without a considerable reinforcement. What had often been desired, and as often promised from Carthage, and once or twice attempted, was in the twelfth year undertaken upon a large scale. Asdrubal was ordered to leave Spain with his army, where he had maintained an obstinate but unequal warfare against Scipio, and to join his brother in Italy: he was also furnished with

Chap. X. an ample fund for the purpose of enlisting whatever mercenaries he could engage in his progress through the warlike and unsettled nations of Gaul.

If Scipio had gained such decided advantages over Asdrubal as are related, and if his superiority in Spain was so unquestionable, it may be considered as a great failure in judgment or in activity to have suffered him to change the seat of war at his option, and to march away unmolested. Scipio's father and uncle, though ultimately cut off, rendered essential service in the early years of the contest by preventing a similar enterprise, and defeating the very same commander; nor can it be calculated what a new flame might have been lighted up, if this additional fuel could have been put into the able hands of Hannibal. The march, the success in recruiting, the celerity and ease with which this great force passed the Alps were beyond expectation. Asdrubal found none to oppose his progress, and many to join his standard; instead of enemies upon every crag and in every defile, enhancing the natural difficulties of the rocks and mountains, his passage was viewed

without jealousy; the track opened by his brother was become beaten and practicable, so that instead of bringing a diminished army, exhausted by fatigue, his numbers were very much augmented from Gaul and Liguria, and were in a state fit for immediate action. The time which he had so unexpectedly gained upon his march he idly wasted before Placentia, which he was seized with an ill timed desire of taking: but even this he did not accomplish, being obliged to desist on account of the strength of the place and the resistance which he met with. *Chap. X.*

M. Livius who had accidentally been drawn into notice again, and raised to his second consulate after a long dereliction of public affairs, was stationed in Umbria to withstand the shock of this formidable invasion. Disgusted and irritated by the sentence pronounced against him for his conduct with regard to the plunder in the Illyrian war, he had for several years remained at a distance from Rome: and when he was prevailed upon, or rather forced, to resume his seat in the senate, he took no part in the debates, but appeared in a neg- 533. 545.

Chap. X. lected and mourning habit, and let his beard grow. The censors, for to such minute matters did their control upon some occasions descend, obliged him to put off his wretched dress, and to shave his beard; and in the dearth of a tried plebeian candidate, that the law might not be infringed by electing two patricians, he was chosen consul. His colleague C. Claudius Nero was posted to observe the motions of the enemy about Venusia and Canusium, where he had two actions with Hannibal, one of them not inconsiderable, and both attended with success. The messengers and letters of Asdrubal were intercepted, and fell into the hands of Claudius. Hannibal, whose intelligence was usually so remarkable, seems to have known little of the progress of this long expected succour: nor did he attempt any movement in that direction. It appeared indeed in this most critical moment of the whole war, as if he had completely changed characters with his antagonists. Hannibal remained in his camp, while Claudius advanced with seven thousand men to join Livius at Sena, and to share the glory of saving Italy: nor did the Carthaginian

discover the absence of the consul, nor suspect the ruin of all his hopes, until Claudius returned to his station on the sixth day, bringing the head of Asdrubal, which was thrown before the advanced posts of his brother's camp. 545.

Asdrubal perceived that a reinforcement had joined Livius, and it was his wish to avoid an action; but his guides deserted, and left him wandering on the banks of the Metaurus. When a battle became inevitable, he fought, and fell in a manner worthy of his father and brother. The carnage at this decisive battle of the Metaurus formed a counterpoise to the slaughter sustained by the Romans at Cannæ, and its consequences were still more important.

Rome, which had been put into a fever of hope and apprehension by this daring and unauthorized step of the consul, could hardly credit the joyful tidings when they arrived; curiosity doubt and impatience were succeeded by congratulation and transport: all anxiety as to the danger of their country seemed calmed at once: and without bestowing a thought upon Hannibal, every man reverted to his ordinary occupation as in times

Chap. X

of profound peace. With the return of their usual employments money became more plentiful; and one instalment of the public debt was paid off before the end of the war.

The triumph of the two consuls was celebrated with enthusiasm and rapture; Livius had the car and the place of state, as the victory was achieved in his province; but Claudius, who followed on horseback, was the prominent figure of the pageant, and drew a larger share of admiration and applause.

In Spain, the illness of Scipio, and a rumour of his death gave rise to formidable disturbances both among the natives and in a part of his own army. The former were incited to revolt by two of their princes, whom the clemency and moderation of Scipio ought to have laid under the most lasting obligations: the latter alleged a failure in the regularity of their pay, to cover the want of discipline and subordination which the neglect of their tribunes had connived at, instead of punishing. There were about eight thousand stationed at Sucro, who were involved in this guilt; and it was by stratagem and dexterity that Scipio made

himself master of the ringleaders; after which, he struck terror into their accomplices by their unexpected and instant execution. The conquest of the Spanish revolters was not difficult afterwards; and the lenity of Scipio pardoned them, to be again conquered, after another defection, by his successors Lentulus and Manlius, who killed one of the princes Indibilis in the field, and required the other Mandonius to be delivered up to him. *Chap. X.*

The city of Astapa showed an attachment to the Carthaginian cause equal to what the Saguntines had shown to the Roman, and perished in the same desperate manner. When nothing further remained to be done in Spain, Scipio's ardent and ambitious mind, flushed with success, began to entertain a strong desire to carry the war into Africa; and he found means to pave the way for that great enterprise, through Masinissa the son of Gala king of Massylia. This young prince has been already mentioned as an auxiliary to the Carthaginians, in whose service he distinguished himself; but he entered into secret negotiations with Scipio before the close of his campaign:

Chap. X. and the Roman general was induced to cross over into Africa, where he concluded a treaty with king Syphax which had been begun by Lælius, the associate of his military labours, and the companion and delight of his private hours.

Asdrubal the son of Gisgo met Scipio accidentally at the palace of Syphax, and they were the king's guests at the same table: the Numidian monarch exulted to see himself courted by the representatives of two great nations, who were fighting for nothing less than the dominion of the world; but he preferred the alliance of Rome; from which it would have been happy for him if the power of beauty and his evil destiny had never drawn him away.

The reputation and popularity of Scipio raised him to the consulate upon his return
547. from Spain, in the fourteenth year of the war: he talked with confidence of what might be done in Africa; and the people, who readily caught an auspicious prepossession in favour of his grand designs, were desirous of sending him thither. But a spirit of distrust, of jealousy under the mask of caution, reigned in the senate: Fabius

opposed the project with all his experience and authority, and condemned it as dangerous and precipitate in the extreme. Apprehensions were entertained that the consul would bring the question before the people, and take the allotting of the provinces out of the jurisdiction of the senate: the tribunes were entreated to support the exercise of this unquestioned right; and they promised their protection to the authority of the senate, in case the consul should persist in his contumacy, or refuse to leave the affair to the determination of the fathers. *Chap. X.*

Scipio hesitated about complying, and took a day to consider with his colleague Licinius Crassus; but the result was favourable to the prerogative of the senate. Scipio obtained however what he aspired to, though not exactly in the way that he desired: for Sicily was decreed to him as his province, with liberty to pass into Africa if he should think it expedient for the public service. The coldness and reluctance of Fabius and his party showed itself in the scantiness of the supplies allotted to this enterprise: they did not allow the consul to raise troops in the usual way by levy, but he was permitted to

Chap. X. accept all volunteers: nor was money issued with any greater readiness or liberality. The popularity of Scipio, and the favourable augury which was universally entertained of his adventure compensated for these deficiencies: the towns of Etruria and Umbria, and the adjacent country of the Marsi and Peligni contributed every thing wanting for the building equipment and victualling of a fleet; and within forty five days from the felling of the timber, thirty sail are said to have been launched without expense to the public, and seven thousand volunteers entered and put themselves on board.

While Scipio was at Syracuse preparing for this grand design, an opportunity unexpectedly offered of gaining Locri by means of a party among the inhabitants, which he took advantage of; but the propretor Q. Pleminius, whom he left there in command, drew some discredit upon the consul by the excesses of every kind which he committed and permitted against the natives, and by an act of excessive severity inflicted upon the tribunes of his own army, whom he publicly scourged and put to death. It is true that their offence

was most heinous, and his provocation extreme, for they had mutinied against him, and cut off his nose and ears.

The miserable Locrians carried their humble lamentations to Rome; and there were not wanting some of the leading men who were desirous of taking this occasion to glance upon the character of Scipio, who in the dispute between Pleminius and his tribunes had decided in favour of the propretor. Suggestions were also made and listened to with encouragement, that the discipline of the army in Sicily was relaxed, that Scipio affected the manners and dress of the Greeks, and that he seemed to have forgotten Carthage in the elegant exercises and literary leisure of the gymnasium. The matter appeared so important, and the charges so heavy, supported as they were by Fabius Maximus, that the senate determined to send ten commissioners to view the state of things upon the spot. Two tribunes of the people accompanied them; which is the first, and perhaps the only instance before the time of C. Gracchus, of their being sent out of the city. On their arrival, nothing could be more satisfactory

Chap. X. than the regularity order and readiness in which they found every department of Scipio's command, and they took their leave in high admiration of what they saw, pressing him to hasten his departure, and carrying back the best prognostics of his success.

Pleminius with his accomplices was sent in chains to Rome; but some delay occurred in conducting his trial, and he died in prison before it was brought to a conclusion. Fabius did not live to witness the happy issue of the African expedition, and the falsification of his own apprehensions; he either did not discern or would not confess that the maxims of conducting war ought to vary with the circumstances of it, and that his own system of delay, which was the salvation of the republic in the first campaigns, would have exhausted and enervated her in the last. The truth is, that the rising glory of Scipio was viewed with dislike and jealousy by the old statesmen and warriors who had born the burden and heat of the day: and they sheltered, under the specious appearances of principle and consistency, the emotions which had their origin in obstinacy or envy.

549.

The constant change of men by the an-

nual election of the chief magistrates has its advantages as well as inconveniences; and among the former may be reckoned a readiness to change with occasions and circumstances, without feeling bound or committed to any particular line of conduct, or to any immutable rules either in the political or military system. Had Fabius been king of Rome, or the favourite minister of a king, Hannibal might have laid his bones in Italy, and Africa would have remained undisturbed by an enemy at the gates of Carthage. *Chap. X.*

One further attempt was made by the Carthaginians to reinforce Hannibal. His brother Mago made a successful passage 549
from the Balearic islands into Liguria, with about fourteen thousand men; and he was afterwards supplied with a large sum of money to engage mercenaries, and with some elephants; but he suffered a defeat after an obstinate engagement with the Roman army under P. Quintilius Varus prætor, and M. Cornelius proconsul in the country of the Insubrian Gauls; and when he was recalled to assist in the defence of Carthage, he died on board of ship of the wounds which he had received in the battle.

Chap. X.

The war with Philip and his allies, which had not been prosecuted with much vigour
547. on either side, was finished by a treaty of peace, after the Ætolians, the first confederates of the Romans in Greece, had made a separate pacification without consulting them. The king of Macedon however did not adhere faithfully to the articles of the treaty nor entirely desert the Carthaginian cause; for four thousand of his troops were serving under Hannibal at the battle of Zama.

In the fifteenth year military operations were begun in Africa: but Scipio had the mortification of finding that of the two princes whom he had counted upon as strenuous coadjutors, Syphax was reconciled to the Carthaginians by marrying Sophonisba the beautiful daughter of Asdrubal, and that Masinissa, dispossessed of his paternal dominions by the other, was himself in the
548. greatest need of assistance, and unable to contribute any thing to the cause of Rome except an unconquered mind and sincere attachment. Scipio's first achievement was the burning of the Numidian and Carthaginian camps in the night, and the destruction of two large armies: but the territory of

Syphax abounded in men, and the loss of mere numbers was easily supplied. It was proved however, when his numerous levies were opposed to the Romans, that raw and undisciplined troops could make no effectual resistance; every thing was rout and disorder; the king himself was taken prisoner; and Masinissa, eager to complete the victory, pressed forward carrying the unfortunate monarch in his train, and took possession of his capital Cirtha. At the gate of the palace, Sophonisba whose charms were heightened and made more interesting by distress, threw herself at the feet of Masinissa, and adjured him by the gods whom they both adored, and by their common country, that he would not deliver her into the power of any Roman. *Chap. X.*

Her tears and entreaties were mixed with blandishments and caresses; the prince in the prime of life, and like all Numidians extremely susceptible of the impression produced by extraordinary beauty, was not only won to grant her request, but to conceive a violent passion for her person. His impetuosity allowed no interval for reflection; and he married her before he quitted the 549.

Chap. X palace. Lælius and Scipio remonstrated separately with him upon the rashness of his proceeding, and represented that he had taken to wife a captive, the property of the senate and people, who had a right to reclaim her. The violent mind of the Numidian trembled for his prize, and for the validity of the promise which he had made to her; and no sooner was he alone, than calling for a cup of poison he sent it by a confidential attendant to his bride, lamenting that he had no other way of fulfilling his engagement. The daughter of Asdrubal cheerfully received his present, and drank it off without hesitation.

Masinissa was comforted for his loss, or apparently reconciled to it by the gratification of his ambition; and Scipio, after saluting him king, decorated him with a triumphal habit and bestowed the most honourable commendations upon his conduct and courage.

There remained no hope for Carthage but in Hannibal: it was therefore determined to recall him and his brother Mago, with whatever force they could bring from Italy: and for the purpose of gaining time

an embassy was sent to Scipio, humbly supplicating peace. A suspension of arms was granted, and the ambassadors were referred to the senate. Syphax was sent to Rome with Lælius; and Livy relates, contrary to the testimony of Polybius which he refers to, that he died at Tibur before Scipio's triumph: but his monument which is preserved in the Vatican confirms the truth of the Greek historian, for the inscription mentions that he was led in triumph, and that he died in the fifth year of his captivity. *Chap. X.*

No banished man ever felt more anguish on quitting his native soil than Hannibal when he was compelled to leave the country of his enemy; he gazed on the coast as long as it continued in sight with remorse and indignation; and while he reproached his malignant fortune, he poured out execrations upon his own folly and irresolution for not having led his soldiers reeking with Roman blood from the field of Cannæ to sack the capital, instead of wasting his strength, and losing the best part of his life about Casilinum and Cumæ and Nola.

The Carthaginian deputies were ill received and sharply answered by the senate,

Chap. X. who referred them back, together with the whole question and conditions of peace, to Scipio: In the mean time, the expectation of their great general, and a casualty which threw a fleet of two hundred Roman transports into their power, emboldened the Carthaginians to violate the suspension of arms: they seized and plundered the vessels; and were hardly restrained from laying hands on the Roman ambassadors. Scipio made no retaliation; but dismissed the ambassadors who were in his camp.

Hannibal upon his first landing perceived the desperate state to which the affairs of his country were reduced, and endeavoured to turn the mind of Scipio towards peace. The two greatest commanders of their own, or perhaps of any age, met in the midway between their camps, and held a conference upon the means of putting an end to the war. The demands of the Roman were such as suited his fortune and his hopes; but they were too humiliating for Hannibal to accede to while Carthage had himself and an army remaining in the field. The differences which could not be settled by amicable discussion were brought to a de-

cision in the plain of Zama. Hannibal by the confession of his antagonist never made a more able disposition, nor performed all the duties of a general better than upon that memorable day: but there are cases where the praise of an adversary is not to be taken without some abatement; the greater military skill Hannibal displayed, the more transcendent was the glory of overcoming him. *Chap. X.*

In reading the accounts of this battle, there is nothing that indicates resource, dexterity, or presence of mind, in obviating those unforeseen disasters which began the discomfiture almost in the moment of onset. The elephants (and it is to be remarked that the very same thing had happened in one of Hannibal's engagements with Marcellus) were of much more disadvantage than utility; half trained probably and young, they were turned back by the shouting and clang of the first shock, and beginning the rout in one of their own wings of horse carried not long after the same confusion into the other: the centre which was composed of Carthaginians and Spaniards stood firm, and maintained the fight; but they had, in addition to the enemy, to combat their own merce-

Chap. X. naries, and to prevent their flight. The Roman horse, after completing the rout or destruction of these two wings of cavalry opposed on each flank to them, turned upon the rear of the centre without any movement being made to prevent them, or any attempt to change their front or position so as to extricate the main body: the victory therefore became complete, and the carnage terrible. Hannibal escaped with a small number of horse to Adrumetum; and there remained no hope for the Carthaginians but in accepting whatever conditions might be imposed. It was fortunate that Scipio had some apprehension of a consul coming to supersede him in his province, who might reap the glory either of concluding the peace, or taking Carthage, the latter of which seems to have been almost as feasible as the former. The senate, upon being consulted, again referred the settling of the terms to Scipio; but they received the second ambassadors from Carthage with more moderation and less severity.

The conditions prescribed by the conqueror were, that all deserters and prisoners should be delivered up, and all their vessels

of war except ten of three rows of oars, together with all their trained elephants, and they were prohibited from training any more; that they should engage in no hostilities whatever without the permission of Rome; that every thing belonging to Masinissa should be restored, and that he should be included in the treaty; that they should pay by equal instalments in fifty years ten thousand talents of silver, besides making immediate and full reparation for the recent outrage committed during the truce; and that they should deliver a hundred hostages, to be selected by the Romans.

After an absence of thirty six years, during several of which he was raised to the pinnacle of glory, Hannibal on his return into his native city could render her no better service than to persuade her to submit to these degrading terms; and he urged his advice with so much vehemence, that when a popular declaimer endeavoured to inflame the people against them, he pulled him down by violence and imposed silence upon him.

In the civil transactions of this period an extraordinary and indecorous quarrel took

Chap. X. place between two censors, who as colleagues in the consulate had performed the most distinguished service by uniting and assisting each other. M. Livius still felt the indignity of the sentence which had been passed against him on account of his conduct in Illyria, and determined to revenge it upon the people; which he did by actually disfranchising thirty four out of the thirty five tribes: he alleged that if they had condemned him justly, they deserved to be stigmatized for making him afterwards consul; and that if their choice of him as consul was commendable, their former judgment must have been unjust. His colleague Claudius Nero degraded Livius himself by ordering him to sell the horse which was furnished and maintained for him at the public charge, and disfranchised him; while Livius retaliated the same stigma upon Claudius: so arbitrary and uncontrollable was the prerogative of this high and singular office, and so liable to abuse when it fell into resentful or capricious hands.

How the thirty four tribes were restored to their privileges and the disqualification removed does not appear. But there was a

more grievous and lasting mark of the resentment of Livius, which seems to have been acquiesced in by the people without seeking any redress: he laid a tax upon salt, converting the trade in that article into a monopoly, and fixing the price at which it should be sold in the different parts of Italy: and it is stated that he devised this tax, and persuaded his colleague to concur in enacting it, solely because he thought it would fall more heavily than any other upon the inhabitants of Rome. The tribunes would have accused him and his colleague, when they were out of office, on account of their disputes; but this tax, however obnoxious, does not seem to have been intended for a head of crimination. The senate interposed to save the dignity and respectability of the censorian office from becoming in future a subject of public discussion or popular canvass; and the people, diverted from a more serious revenge, contented themselves with giving the sarcastic appellation of Salinator to the author of the imposition

The population of the city suffered a considerable diminution by the first ten years of the war: the number of citizens

Chap. X. registered fell to one hundred and thirty
544. seven thousand one hundred and eight: but four years afterwards, when all the citizens serving in the armies, wherever stationed, were brought into the account, there
548. were two hundred and fourteen thousand; and they continued from that period progressively increasing: the register taken immediately before the war had enrolled two hundred and seventy thousand two
533. hundred and thirteen.

The superstition of the Romans was always excited by difficult times: and the Sibylline books backed by the Delphic oracle had devolved a singular duty upon the senate
548. before the close of the war: it was, to determine who was the best man in Rome, for the purpose of receiving and entertaining worthily the Idæan mother, or the mother of the gods, whom they were admonished to bring to Rome in the shape of a huge black stone, by the procuration of their friend and ally king Attalus, out of Phrygia. The honourable title of the best man was bestowed upon young Scipio Nasica the son of Cnæus who was killed in Spain: but no account has descended of the peculiar

virtues and qualifications which entitled him to this preeminent distinction. *Chap. X*

During the terror and solicitude of the Punic wars, domestic dissensions were in general dormant: we read much of the consuls and dictators, and little of the tribunes: the calamities of the conjuncture wrought a salutary union between the orders. Affairs of the greatest moment which constitutionally could be determined only in assemblies of the people, were frequently carried in conformity to the recommendations of the senate; and the plebeian magistrates oftener supported than opposed them. On the other hand the senate showed no desire of resuming what had been extorted from them in the days of domestic tumult: upon one occasion they even directed that the people should determine whom they would have named by the consul as dictator, when Q. Fulvius was appointed with P. Licinius Crassus for his master of the horse. Upon the whole however the aristocracy was a gainer in ascendant and influence; and the people were led insensibly and without reluctance, because they were neither insulted nor thwarted. 542.

Chap. X.

The twelve colonies which had refused supplies in the hour of danger were condemned to furnish double contingents, and to pay according to the rate observed within Rome, which appears to have been higher than in the country.

It is uncertain whether the surname of Africanus was first bestowed upon Scipio by his army or by the general voice of the people, or whether it originated in the circle of his friends and admirers, as that of Felix was given to Sylla, and of Magnus to Pompey. The veterans who had served in Spain and Africa received an allotment in land, at the rate of two acres for each campaign; the pretor acting under a decree of the senate appointed ten commissioners to divide into these lots the territory in Samnium and Apulia which was the property of the state.

The public creditors who had lent their money some years before were satisfied in the same way, by an equivalent in land within the distance of fifty miles from the city, for the third instalment which remained due. There was not in the treasury a sufficiency of coin to discharge this debt; and a new war following so soon upon the close

of the other began to alarm the lenders as to their security. The whole sum advanced for the wants of the public is not mentioned, nor the relative value between land and money; but an option was reserved to the creditors to receive back their money and give up their land whenever the treasury should be in better circumstances. *Chap. X.*

CHAPTER XI.

First Macedonian War.

The beginning of the Macedonian war almost immediately followed the conclusion of the Punic, in the year which Livy reckons the five hundred and fiftieth from the building of the city. The people, tired with the miseries and duration of that which was just terminated, were so unwilling and reluctant to embark in another, that in their first assembly they refused to sanction it: one of their tribunes Bæbius took occasion to inveigh against the senate for seeking always to keep them in war for the sake of the power and command which it conferred upon their own members; but upon the matter being submitted to them a second time, and explained and enforced by the consul, they were persuaded to undertake it.

The hostility of Philip was apparent enough in the battle of Zama, in the great naval and military preparations which he

continued to make, and in the activity with which he was endeavouring to extend his influence throughout Greece, and over the islands and the maritime cities of Asia which were of Greek origin: but the immediate cause of war was the solicitation of their allies the Athenians, whose territory he had laid waste, and obliged them to shelter themselves within their walls.

No embassy from Rome was sent to Philip to endeavour to settle these differences amicably; but the college of heralds determined that the proclamation of war would be legitimate at the nearest fortress of his dominion.

The Acarnanians and Athenians were in fact the only parties directly at war, and Philip had taken up arms in support of his allies, who had been treated, in the person of two of their citizens, with injustice and cruelty by the Athenians.

The first campaign was conducted by 552.
P. Sulpicius Galba without any considerable action; the cavalry were twice engaged, and the Romans had the advantage: their manner of fighting and the arms which they made use of on horseback, particularly the Spanish

Chap. XI. sword, struck a considerable panic into the Macedonians. Elephants in this war were for the first time introduced into the Roman line; some of which were sent as a present from Masinissa.

Philip counterbalanced these small losses by some success against the Ætolians and Greek confederates: he vented his resentment towards Athens in the spirit of a barbarian, destroying the sepulchres, the temples, and all the noble works of art which were without the walls. His revengeful and savage temper made him terrible to those who had offended him and were within his grasp. The inhabitants of Abydos knew him too well to trust to his mercy; and when they found it impossible to hold out their city against him, they put to death their women and children, and following the desperate example of the Saguntines perished in a conflagration of their own kindling.

553. The consul P. Villius succeeded Sulpicius; but he was detained late at Rome by affairs of religion; and the winter came without his being able to perform any thing of consequence. Before he could reach his province a part of his army was thrown

into a state of mutiny on account of the length of their service: two thousand of them complained that though they had been sent out under the name of volunteers their consent was never in fact given. The consul persuaded them to return to their duty by promising that their grievances should be considered, which seemed indeed to be no more than was reasonable, as their remonstrances were not lightly taken up nor from any spirit of disaffection. *Chap. XI.*

The operations of the following year were more important under the consul T. Quintius Flaminius: he found means by the guidance of an Epirot shepherd to bring his troops upon an eminence which commanded the strong position above the river Aous, where the king had placed a camp which he deemed impregnable. Philip was among the first who fled; but his loss was less than his consternation, and he retired into Thessaly. 554.

The consul gained over to the Roman alliance the greater part of the Achæans; and in conjunction with them and king Attalus laid siege to Corinth, but he was obliged to abandon that attempt, and he went to winter in Anticyra.

Chap. XI. Upon the election of consuls two tribunes interposed to prevent the destination of Macedonia as a province to either of them. The distance from home and the annual change of commanders had already prolonged the war beyond its necessary duration; and a continuance of the same dilatory system might lengthen it indefinitely.

The new consuls and the tribunes after some altercation agreed to defer to the decision of the senate; who determined that Quintius should remain in his command. The tribunes were justified in their interposition by the event; and Quintius brought
555. the war to a conclusion at the battle of Cynoscephalæ. The victory though decisive was rendered less complete than it ought to have been by the avidity of the Ætolians to plunder the king's camp; by which an opportunity was afforded to Philip himself and a considerable part of his army of escaping. What made the proconsul still more angry with his allies was that they arrogated the principal merit of the success to themselves, allowing to the Romans only the second place.

Among many graver causes of dissatisfaction there was an epigram written by Alcæus,

a poet of that day, directed specially against Philip, but countenancing these extravagant pretensions of the Ætolians; at which the proconsul was no less offended than the king. Philip, who was always a jester and a satirist in important matters as well as trivial, answered the poet in a distich. Many poets have written epigrams upon kings; but few kings have retaliated upon poets in verse, and ventured to pay them in kind. *Chap. XI.*

The mind of Philip not fortified against adversity immediately became ready to accept any conditions that might be prescribed: the Romans were not less anxious to conclude the war; for besides the natural disposition of Quintius, which was humane generous and courteous, it was a moment when, on account of the preparations of Antiochus king of Syria and the suspicious circumstances of his conduct, it became extremely desirable to have no enemy remaining in Greece.

The terms which he dictated by permission from the senate, and with the concurrence of ten legates sent from Rome, were, that Philip should withdraw his garrisons from all the Greek cities in Asia as

Chap. XI.

556. Bef. Xt. 196.

well as in Europe, and suffer them to live free under their own laws; that he should deliver up all prisoners and deserters and all his decked ships (among which there was one of enormous magnitude and hardly manageable, with sixteen rows of oars;) that he should reduce his army to five hundred men, and not keep a single elephant; that he should not make war beyond the limits of Macedonia without the consent of the senate; and that he should pay one thousand talents, the half directly, and the remainder in ten years. The king's son Demetrius and some other hostages were sent to Rome; who were restored afterwards when Philip entered into closer engagements with his conquerors: the tribute was also remitted by the persuasion and authority of T. Quintius.

The Isthmian games were celebrated at Corinth with an uncommon attendance soon after the conclusion of the peace; which gave an occasion to Titus Quintius of enjoying the most satisfactory triumph that was ever celebrated by the general of any age or nation. He directed his herald to make proclamation in the circus, as the spectacle was about to begin, that the senate and

people, and T. Quintius commander in chief decreed that all the Greek states which had been under Philip's dominion, enumerating nine, should be free and live under their own laws. The surprise, the joy, the congratulation, the applause, the wildness of transport and uproar which such a notification caused in an innumerable concourse of spectators, all adoring the name of freedom, however incapable of enjoying it, are described in the most lively and circumstantial manner by Livy. Plutarch adds that the effect of the applause and vocifera tion upon the air was so intense, that several crows which were flying over fell down into the theatre; and professing himself to be a philosopher as well as a biographer, he endeavours to account for the phenomenon. *Chap. XI.*

During the short period of these hostilities Rome had been alarmed by considerable risings of the Gallic nations; in one of which above six thousand Romans were destroyed by the Insubrians; and all Cisalpine Gaul was in a state of insurrection. When consular armies were sent against them they opposed no effectual resistance; but they showed a settled hatred and de-

Chap. XI. termined courage in daring to appear in arms after so many losses and defeats.

Spain was in the same uneasy and perturbed situation: there were risings in different parts excited by some of the native princes: and by their tumultuary and unexpected mode of attack the Romans suffered more than once no inconsiderable loss.

But the success of the natives was never
557. of long continuance; the first Cato when he was sent thither as consul, after the war appeared more serious, subdued all who opposed him; and after disarming the natives and demolishing the walls about their towns, gave to Spain the air of a pacified province, and returned in triumph.

Before Cato departed from Rome to conduct the war in Spain he exerted himself strenuously in support of the Oppian law, which two tribunes had proposed to repeal against the consent of some of their colleagues who threatened to interpose in favour of its continuance. It was a sumptuary regulation enacted twenty years before, which had for its object to restrict and abridge the expenses of women in the articles of apparel jewellery and equipage. The melioration

in the circumstances of all ranks of men, and in the general condition of the state, afforded plausible arguments for removing a restraint which had been laid on under the pressure of poverty and distress; but when these arguments were urged by the tongues of all the women in Rome, in public and in private, by the fireside and in the forum, it is no wonder that they became irresistible; the tribunes were talked or cajoled out of their interposition; the tribes were under the same influence; the consul was left almost alone in his antiquated notions of frugality, and the law was abrogated.

A formidable conspiracy was formed about the same time among the slaves in Etruria (it is not said from what cause) which was suppressed by force, but without much difficulty. It is rather surprising that disturbances of this kind did not more frequently break out, than that we have to notice them occasionally in the Roman annals, for the slave population must have been even in early times extremely numerous.

In the internal concerns connected with

Chap. XI. the receipt of revenue during the long and burdensome war against Hannibal the priests and augurs had escaped, though it is not known under what plea, from paying towards the support of the armies; but after the restoration of peace they were called upon by the quæstors to contribute their quota towards discharging the third instalment to the public creditors. Whether the indulgence had proceeded from abuse or neglect, they pleaded privilege and exemption, and appealed to the tribunes to support them in
556. their claim: they received however no sort of encouragement, and were obliged to pay their full arrears. The funds of the commonwealth were augmenting daily. Vast quantities of silver and brass, and of gold also, appear to have been poured into the treasury by almost every commander, from whatever province he came home victorious. The Boii Insubrians and other Gauls, though so often overrun and plundered, and the Spaniards, among whom the Carthaginians had domineered so long, must have abounded in wealth to afford such a stock of the precious metals. The treasury however, from the prodigious expenses of so many years, still

continued poor, and the public debt was not yet entirely liquidated.

The evil of usury began after a long interval to be again complained of, for means had been found of evading with regard to citizens the provisions enacted for the purpose of restraining it, by having recourse to the names of Latins and allies not subject to the municipal law. It was therefore thought necessary to put all transactions of this nature, by whatever parties they might be contracted, under the general regulation established within Rome: and severe sentences and heavy fines were passed at the instance of the curule ediles, who appeared as public prosecutors against a numerous set of fraudulent extortioners.

The plebeian ediles with the chief curio or deputy of the wards were not less diligent in bringing to justice several farmers of the pastures belonging to the state; and out of the fines of three of them, who were condemned by the people, they built a temple.

The practice of sending out colonies into various parts of Italy, consisting of citizens or of Latins, continued to be frequent; and large allotments of land to the

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extent of twenty, or in some cases even fifty acres, were made to each adventurer: veteran soldiers were usually preferred: the centurions received twice, and the knights thrice the share allotted to the privates, which was the proportion generally observed in the distribution of money at a triumph. The Latins admitted into Roman colonies did not acquire, according to a determination of the senate, the full rights of citizens; but the privilege of voting was extended partially to some towns which were before entitled to all the other franchises. This last distinction could be conferred only by an act of the people without any concurrence of the senate; and it was ordained at the same time in what tribe such colonists should give their votes, and they were registered accordingly.

In the interval which had elapsed since the peace, Hannibal was placed at the head of the Carthaginian government as pretor, where by regularity justice and economy he began to retrieve their finances from disorder, and to relieve the people from oppression; but his reforms raised against him powerful enemies at home, who worked upon those who feared or hated him at Rome to

send an embassy to Carthage demanding him to be given up, and alleging as a reason that he held correspondence with Antiochus. Hannibal was ever upon his guard when he heard of Roman ambassadors; and as he delighted in a stratagem he withdrew in a way that surprised his friends no less than his adversaries, making his escape to Antiochus, whom he found at Ephesus. *Chap. XI.*

Scipio strenuously opposed this persecution of his great antagonist, and censured it as unworthy the dignity of the senate. Upon occasion of a similar requisition at a later period, T. Quintius suffered much in the public estimation by a contrary conduct.

In the short war against Nabis tyrant of Lacedæmon, Quintius did not answer the wishes or expectations of his allies; for he left one of the noblest and most ancient cities of Greece in the hands of an usurper, when he had the means of wresting it from him: he had besides the additional provocation of being attacked by Nabis after he had granted him terms. The fear of successors in their provinces sometimes made the Roman commanders finish their work in haste: it was insinuated too that Quintius be- 557.

Chap. XI. came jealous of the glory which Philopœmen at the head of the Achæan league gained in this campaign. Nabis was however compelled as the price of peace to give up his maritime cities and ships, and to withdraw his garrison from Argos: and Quintius presiding at the festival of the Nemæan games, had the satisfaction of proclaiming the freedom of Argos, the city in which they were celebrated.

The tyrant, though he was in the same party with the Ætolians, and entertained the same disposition to further the designs of Antiochus upon Greece, met with his death by their hands in a treacherous, but most audacious manner. A select detachment sent
560. by the Ætolians to Nabis as auxiliaries, under the command of Alexamenus, murdered him in the sight of all his troops whom he had drawn up, and was actually reviewing. No rational steps were taken afterwards to turn this unexpected event to the advantage of those who perpetrated the murder; the citizens of Lacedæmon rose upon and destroyed them all; while Philopœmen hastening to the spot had the address to profit by the occasion, and to gain the important accession of Sparta to the Achæan league. Various

embassies for the purpose of avoiding war were sent from Rome to Antiochus; but his opinion of his own strength was too high to admit of an interference in the affairs of what he called his hereditary dominions, in which he included all that had formerly belonged to Seleucus; and the Romans, with the liberty of Greece in their mouths and their own aggrandizement in their hearts, had a plea for taking up arms, more plausible, if not more just than the empty claims of the heir of the Seleucidæ. *Chap. XI.*

The Ætolians flattered the vain spirit of the king, and made him believe that his presence was as much desired by the rest of their countrymen as by themselves; and they concluded by passing a solemn act, in the presence of Quintius and in defiance of the Romans, inviting him to restore liberty to Greece, and to arbitrate the differences between themselves and the Romans.

Hannibal advised the Asiatic monarch to carry the war directly into Italy; and for a time it was intended to follow his plans; but his superior genius oppressed the minions of the court, and they found means

Chap. XI. to make Antiochus feel that he entertained a guest who eclipsed him. The illustrious exile therefore remained an indignant but unavailing witness of the faults and follies of their conduct, and his predictions were credited only after the event.

CHAPTER XII.

War against Antiochus.

When Antiochus accepted the invitation of his allies and crossed the sea, he brought with him by no means a numerous army; the Ætolians had prepared Demetrias for his reception, of which they made themselves masters by fraud: he gained Chalcis and the rest of Eubœa soon after his arrival, and proceeded to reduce some towns in Thessaly, until his career was stopped at Larissa by the king of Macedon in conjunction with a small body of Romans. He made Chalcis a scene of festivity and pleasure during the winter, and celebrated his marriage with a daughter of one of the citizens, as if he had been in the midst of his own dominions and in profound peace.

The arrival of the consul M. Acilius interrupted his enjoyments and awakened him to a sense of his danger: the forces which he had ordered to follow him from Asia had

Ch. XII. not yet joined him; those which he brought with him were without discipline and fallen into disorder and debauchery; while his friends in Greece were able to perform none of the promises which they made so largely when they invited him over. He had therefore nothing to do but to place himself in the strongest position that he could choose; and he selected, in full confidence of maintaining it, the famous pass of Thermopylæ. The only difficulty that the consul had, and it was an almost insuperable one, was to come at his enemies; but as soon as a detachment of his army succ-
561. ceeded in gaining one of the heights above their camps by the perseverance and indefatigable exertion of Cato who led it, the Roman arms appeared above them, and all resistance was at an end. The king with about five hundred effected his escape to Chalcis, and from thence to Ephesus. The other Greeks submitted and were pardoned; but the Ætolians maintained the unequal war with an obstinacy commensurate to the guilt of their defection.

After defending Heraclea until it was no longer tenable, they accepted conditions of

peace; but they again flew from these to arms, and endeavoured to hold Naupactus against the consul, where they must have been reduced and utterly destroyed if T. Quintius, with a degree of clemency which they little deserved, had not interceded and obtained a truce that they might send a deputation to Rome. The senate received them harshly, and would accept nothing less than unconditional submission; which the Ætolians refused as long as they had any hopes in themselves or in Antiochus: but the ruin of his fortunes and a consular army under M. Fulvius in the heart of their own country obliged them at last to submit to what was imposed.

Philip was at this period hearty in the Roman cause, though he was not present at Thermopylæ; and he reaped a large share of their victory. Eumenes the son of Attalus and the Rhodians assisted them by sea, and there were two Carthaginian ships in the fleet of C. Livius in the naval action which he fought with Antiochus's admiral at Corycus, when, after taking and sinking several of his ships, he pursued him into the port of Ephesus.

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There was an action in the next year between the Rhodians and the king's fleet, of which Hannibal commanded one division; in which although he was partially successful, the Rhodians gained the victory: but the Rhodian and Roman navies combined had a more decisive action at Myconnesus in which the enemy suffered extremely.

L. Cornelius Scipio had the good fortune to be consul in the year that the first Roman army was led across the Hellespont; the destination of the province which he coveted was procured from the senate, against the competition of his colleague Lælius, by the offer of his brother Africanus to go out with
562. him as legate.

Antiochus who foresaw nothing and prepared for nothing, shrunk under the magnitude of his danger and made some attempts to obtain peace; but he withdrew his distant garrisons from Lysimachia and the strong positions of Thrace, where he possibly might have opposed some effectual resistance, and concentrated his forces about Thiatira, where it became necessary to risk every thing upon one cast, of which the event could hardly be doubtful even to himself.

The Roman army marched through Macedonia and the dominions of Philip, where they were plentifully supplied with every thing: Thrace was left open by the improvident dereliction of the enemy, and offered no resistance: they had a considerable number of their own ships, and more belonging to Eumenes for the purpose of crossing the strait; and they saw nothing in arms against them until they came to the strongly entrenched camp of the monarch across the Phrygian river near Sipylus.

The son of Africanus by some accident, the particulars of which are not ascertained, fell into the king's power, by whom he was restored with great honour to his father. 562. Africanus gave the king the best advice that could be offered in return, which was, that he should make peace without a moment's delay upon any terms; but the terms required by the Romans were those of absolute conquerors; and Antiochus, though with small hopes and little chance of success, determined to try his fortune. His numbers, in which alone he was superior, proved of no avail against the discipline and confidence of the Romans; but the confusion began by what

Ch. XII. carried the most imposing show of terror and destruction, his own armed chariots.

Africanus was absent from the field on account of illness, and Hannibal was not employed. The king found too late that all the predictions of this great man proved true; but he never followed his counsel while there was time to profit by it. Antiochus however was so far justified in risking the engagement, that he lost nothing in the conditions of peace, which were precisely the same that had been offered while his force was entire. The substance of them, as settled definitively by ten legates sent from the senate was, that the king should cede and relinquish every part of his dominion between mount Taurus and the sea; that he should not carry on war against any of the islands, nor cross into Europe; that his elephants should be delivered up, and no others trained; that his ships of war should likewise be surrendered, and that his navy should not in future exceed ten merchant ships of thirty oars at most; that he should pay within twelve years twelve thousand silver Attic talents and a large annual supply of wheat, and three hundred and fifty

talents, besides a further sum on account of corn, to Eumenes: It was added to the articles that Hannibal, and five of the Greek ministers who had been most forward in promoting and advising the war, should be given up. 563. Bef. Xt. 189.

The king of Pergamus and the Rhodians were rewarded for their attachment and cooperation with great part of what was wrested from Antiochus: freedom was restored to several of the Greek cities; to Ilium and Dardanus particularly on account of their ancient consanguinity, which the Romans were always proud of acknowledging.

The increasing population of Rome began to be felt as a grievance both by the city itself which was burdened by a continual influx of new comers, and by the neighbouring country of the Latins from whence they migrated, which gradually became drained of its inhabitants and labourers; while the contingents which they were required to furnish for military service remained undiminished. Some check had been applied to this change of habitation towards the conclusion of the second Punic war; since

Ch. XII. 575. which, all the Latins who were become resident had taken care to be registered as citizens, in the hope of being concealed and confounded in the mass. The pretor was directed by the senate to inquire into the cases alleged by their allies, and to remove all those from Rome who had not been settled there for more than a certain time, or who could be proved to have been registered among the Latins, or whose fathers had been so registered; of whom twelve thousand were detected and obliged to return home in consequence.

But the attractions of Rome continued to increase, and it was soon found that this practice was not effectually stopped by removing the intruders to the places of their settlements: they returned again, and had recourse to fraudulent sales and manumissions, which enabled the new comers to defeat the new restrictions, until this contrivance also was counteracted by a special regulation. The number of citizens appearing upon the register must have been considerably affected from time to time by enforcing or relaxing the observation of these provisions.

Among the evils incidental to common-

wealths, envy and jealousy of those who are superior in talents or fortune are commonly enumerated; and the observation with regard to some other republics, particularly Athens, is perfectly just; but in Rome the great men had generally the good fortune to enjoy without molestation their well earned distinctions, and after receiving repeated magistracies as long as they were capable of executing them, they descended to their graves honoured and lamented. *Ch. XII.*

A remarkable exception to this honest return of gratitude occurred with regard to both the Scipios; of whom Africanus was first selected as an object for persecution by two of the tribunes, each named Q. Petillius, upon general charges of assuming and exercising extraordinary power, rather than upon any distinct allegation of peculation or abuse. The great man, indignant at the charge, appeared to the citation; but upon entering the court, instead of condescending to justify his conduct, he contented himself with enumerating his actions and services; and upon the second day of his trial he invited the people to attend him to the Capitol, and to return thanks with him to the Gods on the

Ch. XII. anniversary (for it happened to fall on that very day) of his conquest of Carthage. The whole assembly obeyed his summons, and his accusers were left almost alone and without an audience. But after this last day of triumph, disgusted with the ingratitude of his countrymen, or unwilling to expose himself to the event of their judgment, he deserted his defence and retired to Liternum, from whence he returned no more, retaining a deep sense of the indignity which had been offered to him, and directing that after his death his remains should not be deposited within the bosom of his ungrateful country. All further proceedings in this trial were stopped by the tribune Tib. Sempronius Gracchus, notwithstanding the known dislike and enmity which he bore towards the conqueror of Hannibal.

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The storm which Africanus braved and eluded fell upon his brother Lucius, who was condemned, together with two of the legates, for receiving money from Antiochus. Cato, who was suspected of secretly encouraging the former prosecution, openly took a share in this; but the sentence was unpopular, and generally considered as unjust.

The whole property of L. Scipio, when the quæstor took an account of it, fell short of the fine which he was condemned to pay; and though among his friends and clients an immense subscription was offered, he constantly refused to accept any part of it. Gracchus interposed again with the tribunitial protection to prevent him from being committed to prison. The marriage of Africanus's daughter (a domestic occurrence indeed but leading to most important consequences in the state) took place upon occasion of these occurrences; it is said to have been concluded at the request of the principal senators during a supper in the Capitol, who wished to mark their sense of Gracchus's generous and unexpected interference in favour of the Cornelian family, by making him the son-in-law of the first man of his time. Africanus's wife Æmilia, when she was told by him upon his return home that he had promised their youngest daughter, expostulated with him pettishly, that he ought not to have done so without consulting her, even if it were to Tib. Gracchus. So high was his character among all ranks of people, and so auspicious were the expectations from this

Ch. XII. union, which produced nothing but trouble and confusion to the republic, and premature death to the issue of this marriage, as well as to the successor of Africanus.

L. Scipio, some years after this severe sentence was passed upon him, seems to have been again employed as a legate in the public service, and to have given a spectacle of games. The death of Africanus is placed in the year 569, which was rendered remarkable by that of two other generals, the most eminent of their age, Hannibal and Philopœmen. A certain similarity attended the fate of the three: not one of them dying in his own country, nor in a manner suitable to the splendour of his life and achievements. Poison put an end to the two last; to Hannibal at the court of Prusias king of Bithynia, who was designing to deliver him to the Romans; and to the Achæan commander in confinement, after being taken prisoner by his enemies the Messenians. Scipio's was a voluntary banishment indeed, but attended with circumstances of mortification and disgust, which little corresponded with the lustre of his former exploits.

It is remarked by Livy that great obscurity prevailed with regard to the latter part of the life of Africanus; and that authors were not agreed as to the persons by whom he was accused, nor as to the place of his death: his monument was shown at Rome, as well as at Liternum; but it was a doubt whether it was his statue which stood upon the family sepulchre with one of his brother, and of the poet Ennius, or whether those statues were of other persons. The tomb itself was discovered not many years ago in the pontificate of Pius VI. with several inscriptions commemorating different persons of that family; but there were no statues remaining, nor any memorial of Africanus himself, nor of Ennius.

The Gallogrecians, descendants from an ancient emigration of the Gauls who invaded Greece under Brennus and received (474.)
that signal overthrow at Delphi which drove them with the remains of their horde to settle in the middle of Asia, were sought out as enemies by Cn. Manlius the successor of 563
Scipio, who was unwilling that the year of his consulate should pass in obscurity and inaction.

Ch. XII. The justification or pretence for attacking them was that they had taken part with Antiochus; but Manlius knew that it would be a very acceptable service rendered to all the Asiatic states if he could subdue these turbulent freebooters, who by their predatory incursions kept them in a constant state of alarm and insecurity.

The troops accustomed to this kind of irregular warfare, and terrible in the eyes of the natives of Asia, could oppose no effectual resistance to the conquerors of Syria: but when the consul on his return demanded a triumph, his legates opposed it because he had undertaken the war without authority from the people or the senate. He had suffered also no inconsiderable loss in marching through Thrace, which was in great measure owing to his own negligence.

565. The senate however granted the honour which he applied for.

The return of the army of Cn. Manlius from Asia is noted as giving birth to various kinds of extravagance and refinement; to a taste for fine hangings and tapestry, for costly furniture, and for ornamental and expensive manufactures of the loom: the

luxury of the table grew also into fashion, and soon raised into an art and profession the practice of cookery, which was in older times the business of the meanest slaves. Female performers upon the lute and harp were introduced at feasts by these imitators of foreign manners. The account which Polybius gives of the young men of Rome with whom he was personally acquainted, affords the testimony of an eye witness, who was a professed admirer of the Romans, to the growing depravation and corruption of their manners, particularly after the conclusion of the war with Perseus. He notices as signs of degeneracy the fashion of having singers at their banquets, their indulgence in drinking, and in some other expensive and vicious pleasures which he enumerates, both natural and unnatural. He makes one singular remark upon the general character of the nation, that no Roman ever willingly gave any thing away that was his own; but he throws in this sarcastic observation while he is relating the most splendid instances to the contrary in the conduct of his friend the younger Africanus.

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In finding such censures as these applied to the age of the Scipios by a cotemporary writer, it is impossible not to be struck with the different opinion which those who wrote later than Polybius entertained as to the virtue and morality of this distinguished period of the republic. But it is rare to find even the most impartial authors so satisfied with the race of men among whom their lot is cast as not to complain of the evil times on which they happen to have fallen: the comparisons which they draw are usually to the advantage of the past; and their splenetic representations would almost induce us to suppose that nothing but casting their looks backwards could afford them a distant but fading view of any praiseworthy or respectable objects.

A part of the large treasure which Manlius brought home was, according to his desire, and for the purpose of courting popularity, applied by the authority of the senate to discharge what remained due to the people on account of money advanced by them towards the pay of the army, which had not yet been refunded.

The Asiatic debauchery which the army

introduced was as nothing in comparison to what they found, upon their return, prevailing in the capital of their own country. A mixture of profligacy and fanaticism had taken deep root in the heart and vitals of the republic, and threatened, if it had not been counteracted by violent measures, the utter subversion of morals. An obscure Greek priest had introduced into Etruria certain mysterious and secret rites of Bacchus, and gained a considerable number of female proselytes. The initiation was at first performed by day, and no males were admitted: but a Campanian matron, who passed for an inspired priestess, changed and new modelled the whole order of this institution; she directed the mysteries to be celebrated by night, and initiation to be extended to both sexes: feasting and wine were added to the solemnity; and from the gratification of the most promiscuous and abominable acts of lewdness, the initiated proceeded to the commission of the most horrible crimes. Murders, poisonings, false testimonies and forgeries issued in terrible abundance from this fanatic seminary: they confined themselves to making converts only

Ch. XII. among the rising generation; and their order became restricted to the admission of none but those who were under age: they considered all those as unhallowed and rejected who being once embarked in their mysteries refused to proceed to all the abominations which their horrid vows or dissolute practices enjoined; and those who were hardened in vice made no scruple of putting to death any such cautious or conscientious disciples. When information was accidentally given to the consul of this infamous association there were no fewer than seven thousand persons initiated.

Prompt and vigorous measures were
566. taken for putting it down; and it was indeed hardly sooner made known than it was suppressed. The curule ediles were directed by the consuls to search for all the priests of this worship, and to confine them, but not in the public prison, until they could be examined. It is doubtful whether the word 'question' used by Livy upon this occasion means that they were to be examined by the application of torture or not. The plebeian ediles were charged to take care that no sacred rites should be

performed clandestinely or in concealment. The names of those who were concerned were published; many were seized in endeavouring to make their escape; and several of them, women as well as men, destroyed themselves. The consuls followed up the inquiry beyond the limits of the city, and extended their inquisition to the neighbouring towns. Those who were only initiated, were thrown into prison; those who had committed any criminal acts in consequence of their vows, were punished with death; and there were more in the latter class than in the former. The women were delivered over to their relations or those in whose guardianship they were, to be put to death. In the decree of the senate for abolishing these rites, a special reservation was made in favour of tender consciences, so that their vows might still be observed, but that all danger of propagating the sect might be avoided. *Ch. XII.*

The rewards voted by the senate to the informers P. Œbutius and Hispala Fescenia were a hundred thousand pieces of brass to each: and the consuls were directed to confer with the tribunes that they should

Ch. XII. propose without delay to the people, that Œbutius should be discharged from all military service, and that no censor should assign to him a public horse; that Hispala, who was a prostitute, should enjoy in the most beneficial manner all the rights which a widow could possess by the will of her husband, and that she might marry any freeborn man without prejudice or disgrace to the person marrying her. She had been a slave and received her freedom, but continued the licentious way of life in which she was brought up, by means of which she was in affluent circumstances, and maintained her young lover Œbutius instead of receiving any assistance from him.

The practice of poisoning, distinct from any such gross abuses of religion, was surprisingly prevalent in this age. According to Valerius Antias, one of the old Roman writers, no fewer than two thousand persons were
568. condemned within four months by the pretor Nævius; and not long after, a still greater number were found guilty in the neighbouring towns at some distance from the precincts of the city. The wife of C. Calpurnius
572. Piso was convicted of destroying her hus-

band, in the year of his consulate, in the same manner. Another consul Postumius was also poisoned by his wife, who was condemned to death by the sentence of her relations. *Ch. XII.*

Besides these secret machinations, guilt assumed a bolder character, through the neglect or defect of all regular government, in some parts of Italy. Apulia became infested by a band of slaves and shepherds who robbed and plundered whatever they could lay their hands upon: seven thousand of these lawless banditti were at length condemned to death, and many of them executed.

Hostilities continued in Spain and Liguria with considerable advantages on the part of the Romans, but with short intervals of quiet, owing to the ferocious and inconstant tempers of the inhabitants of both countries. It was determined at last, as the most effectual means of restoring permanent tranquillity to Liguria, to remove the inhabitants from their rocks and fastnesses and to transplant them into Samnium. A compulsory emigration of forty thousand Ligurians was effected in this way; and the

Ch. XII. expenses of removal and resettlement were allowed to them.

The proconsuls obtained a triumph for this pacific service, which was in fact of more importance than many victories, and
572. perhaps gave the example which Pompey so judiciously followed in closing the piratic war: but it is remarkable for having produced the first honour of that kind which had been granted by the senate where no enemy appeared in the field. A naval triumph, belonging to the same class, was allowed to Q. Fabius Labeo for bringing home four thousand Romans, who, having been captives in Cyprus, were restored by the islanders upon his simple requisition.

T. Quintius, in his triumph over king Philip, brought nothing home of which he was more proud, or which graced it more, than twelve hundred citizens taken prisoners and sold as slaves during the second Punic war into different parts of Greece, whom the Achæans redeemed from their several masters, and presented to him.

572. It is difficult to assign a reason for a maxim which is first brought under notice about this period by a petition from the people

of Cumæ, that they might be permitted to use Latin as their common language, and in their sales by auction, and in all commercial dealings. Their request was granted in this instance. But the general rule continued in full force to a much later age, and seems only to have been dispensed with under special circumstances of indulgence; for we find in Suetonius, towards the close of Augustus's life, that when he was desirous of gratifying the people of Puteoli, he could not give them leave to make use of the Roman tongue and dress without the formality of a law; which was equally necessary to allow the Romans who were there to speak and dress as the Greeks. It might rather have been expected that a contrary system would have been adopted by a people whose main object was to render their city the capital of the world, and to make every thing in the world Roman. But the effect which they probably aimed at naturally resulted from this principle of exclusion: their neighbours, long after becoming their subjects, were kept in a state of more complete separation from them than could have been supposed practicable, consider-

Ch. XII. ing the relation in which they stood, and the constant intercourse subsisting between them. As a proof of this permanent distinction that prevailed with regard to the old Greek colonists in the south of Italy, it is curious to observe among the remains discovered there in our own times, how small a portion bears the least appearance of Roman origin; and among the numerous manuscripts there is scarcely a single line excepting in Greek.

There was a variety of tongues among the ancient inhabitants of Italy, descended probably from several different stocks under successive migrations from other countries; and many of these were not intelligible to each other. The people of Fidenæ, whatever their language was, did not in general understand the Roman tongue, excepting so far as it was comprehended by some individuals through the medium of the colonists settled among them. The Etruscan language also continued wholly distinct: it was learned as an accomplishment; and some of their older authors asserted that it was as commonly taught to boys in the fifth century of Rome, as Greek was in the days of

Augustus. A language called Oscan was spoken in Samnium: and we read that during the long war with the people of that country, an occasion occurred in which the spies sent into the Samnite camp by one of the consuls were selected on account of their proficiency in that tongue. Dionysius, who bestows much pains upon an attempt to prove that the Trojan emigrants and all the others who settled in Italy derived their descent from different parts of Greece, affirms that the Romans preserved greater indications of that original than any other colonists who came from thence: he has also a remarkable passage concerning the language spoken by them; which he says was neither wholly barbarous, nor completely Greek, but mixed of both, the greater part being Æolic: and from these various mixtures he observes as a distinguishing peculiarity, that they did not pronounce all their words correctly. He adds in another paragraph, that during the time of their kings they used such letters as were anciently written in Greece, and that a brazen column engraved with those characters under Servius Tullius still existed in his own time in the temple of Diana. Of the

(456.)

Ch. XII. books written by Numa, half were said to have been in Greek, and half in Latin; but it is not mentioned whether any difficulty occurred in comprehending the latter, at the distance of five centuries from the age of their author. In the time of Polybius the language spoken at Rome varied so essentially from that in which the earliest treaties with the Carthaginians were made, that they were hardly intelligible even to the Roman antiquarians of his day. He mentions having himself seen the three first of these treaties engraved upon brass in the Capitol.

We know little of the mercantile affairs or commercial transactions of Rome, but the few instances which occur deserve notice: the purchase of horses appears to have been under restrictions, at least with regard to foreigners; and a special act of the senate was required to permit some Gallic ambassadors as a matter of favour to buy ten horses, and to carry them out of Italy.

The latter years of king Philip were rendered uneasy by his distrust and jealousy of the Roman power, which had nearly brought to maturity those seeds of

hostility that burst out under his son. Domestic dissensions hastened and embittered his end; he had been prevailed upon to sacrifice the best of his sons, Demetrius, to the artifice and treachery of his first born, Perseus, and to his own hatred of Rome. The fatal draught which hastened this promising young prince out of the world was administered by his father's order. Philip lived to detect the train of villany by which he had been misled, and to suffer the bitterest pangs of remorse; but death snatched him away before he could punish the guilt of his eldest son, and transfer the succession, as he meditated, to Antigonus the son of his guardian. *Ch. XII.* 571. 573.

CHAPTER XIII.

Second Macedonian War.

THE immediate cause of the second Macedonian war arose from a breach of the treaty made with Philip, and renewed with Perseus, by which the king was prohibited from making war beyond the limits of his dominions, and from attacking the allies of the republic.
580. Eumenes came to Rome on purpose to accuse the young king of carrying war into the country of Dolopia; of giving assistance to the Byzantines contrary to his engagements; of stirring up commotions in Thessaly; and of harbouring designs, and actually
581. making preparations for invading Italy.

Though the rupture was not unforeseen, the Romans were less prepared for it than the king; and in the first campaign he gained considerable advantages, if he had possessed understanding or courage to improve them; but he solicited a truce when he should have urged his fortune vigorously;

and as if he was not in earnest when he had staked nothing less than his whole kingdom, he became temporizing and uncertain at a moment when no rational hope remained except in fortitude and resolution. Odious as his character was, he was not without many wellwishers. Eumenes, whom he had attempted to assassinate by treachery, showed a disposition to enter into engagements with him, and was by no means cordial in the Roman cause. The Rhodians assumed the tone of umpires, and pretended to dictate conditions to both. The Gauls were ready to take part with Perseus, for a stipulated subsidy, which his avarice would not allow him to part with, after he had promised to pay it; and the same sordid temper prevented any cooperation on the part of Illyria from being useful to himself, though it 584
was fatal to his ally. Gentius king of that country was drawn into the war by promises of immense sums, which were so little fulfilled, that he actually risked and lost his dominions for a price which would hardly have paid a gladiator.

Under all these circumstances of baseness, misconduct, and folly, the natural

Ch. XIII. strength of the country was such, and the king's power so considerable, that a succession of four consuls effected nothing decisive: the fifth, who was L. Æmilius Paullus, by superior activity and energy concluded the war within fifteen days from his arrival in his province. A pitched battle was fought at Pydna, in which the phalanx held only a short time against the legion; and the loss of the former was extremely great, while the latter remained almost entire. The king with his whole body of cavalry fled from the field unhurt, and giving up all for lost, sought shelter and sanctuary in Samothrace. There he treacherously put to death his last remaining friend named Evander; and after endeavouring to obtain conditions from the consul, he projected an escape by sea. A vessel was clandestinely hired, his baggage and treasures were put on board, and it was arranged that the king himself should embark at midnight; but when he crept down to the shore, the master of the ship, who was a true Cretan, was under weigh, loaded with the wealth which Perseus had withheld from the Gauls and Gentius. The wretched monarch wandered back and con-

cealed himself under the wall of the temple. Deserted by every human being except his eldest son, and destitute of hope or subsistence, he surrendered himself into the hands of Octavius who commanded the fleet, and was sent by him to the consul. *Ch. XIII.* 534.

The foundation of the Macedonian monarchy is carried up to Caranus, who is placed by chronologists six hundred and forty six years before the date of its extinction.

An eclipse of the moon, which happened a night or two before the battle of Pydna, was predicted, and explained to the Romans by one of their military tribunes: but the Macedonians, who were not so forewarned, considered it as a disastrous omen, and were filled with consternation. It might more naturally have been expected that astronomical science should have been found among the Macedonian officers of that age, than in the Roman camp.

Notwithstanding the magnitude of the conquest and the glory which a captive monarch added to it, great objections were made to granting a triumph to L. Æmilius, and from a quarter whence opposition could

Ch. XIII. be least expected, his own army. Their unbounded desire of plunder had not been satisfied, and they complained of the discipline as well as the parsimony of the consul; although he had given up the whole of Epirus which took part with the king to be pillaged at their discretion, and made one hundred and fifty thousand of the inhabitants slaves, who were sold for their benefit; so that the infantry divided two hundred denarii each, and the cavalry double. The people, who were commonly ready to take part with the discontent of the soldiery, were shamed out of their opposition by the better classes, and the pageant was exhibited with an unexampled display of splendour and magnificence, though with little festivity or sympathy from the military.

The treasures brought home were so immense that, according to Plutarch, the people were never called upon for taxes from the time of this triumph to the consulate
(709.) of Hirtius and Pansa. A domestic calamity damped the joy of Æmilius: he lost one son just before, and another immediately after his triumph: his two remaining sons no longer formed a part of his family, having

passed by adoption into those of Fabius and of Scipio. The second great captive, the king of Illyria, decorated the triumph of the pretor Anicius. *Ch. XIII.*

Illyria as well as Macedonia was declared free, and the tribute assessed upon the latter was diminished to the half of what had been paid to Perseus. The revenue from the gold and silver mines and the letting of the country estates were abolished, that no farmers 585. of the public domain might obtain a footing there; with regard to whom it was declared by the senate that they either made the rights of the public nugatory, or destroyed the liberty of the allies.

The decrees of the senate relating to the administration of foreign affairs were founded upon good sense and equity; but their consuls and pretors at a distance did not always act, even in these good times of the republic, in the same spirit of forbearance and moderation. Complaints were brought from Spain and Gaul, against the insolence and rapacity of the Roman magistrates: their Greek allies were not treated with more respect; nor were even the poor remnants of the ejected Ligurians exempt

Ch. XIII. from insult and extortion. Redress was given by the senate to the sufferers; and some of the delinquents were punished by considerable fines, one of which amounted to a million of brass.

The censorship of Ti. Sempronius Gracchus and C. Claudius was distinguished by a salutary and important regulation with regard to freed men, whom Gracchus directed to be classed and registered in one tribe only, instead of being distributed among four: but it became remarkable also for an imperious exercise of tribunitial power, which was less frequent in this age of the commonwealth than in some of those which preceded. The censors had offended the whole equestrian order, by depriving many of them of their horses, and by an ordinance concerning contractors and publicans which struck both at their character and emoluments. The knights engaged one of the tribunes in their cause, who proposed to the people to repeal this obnoxious ordinance; but in the progress of the discussion the tribune took occasion to pretend that the respect due to his magistracy was violated; and, withdrawing hastily from the assembly,

he preferred a criminal charge against both the censors, who professed themselves willing to abide the judgment of the people. It was with great difficulty and by the indefatigable exertion of the principal men, who laid aside their rings and changed their dress to appear as suppliants, that Claudius was acquitted, escaping, after all these extraordinary efforts of his powerful friends, only by the small majority of eight centuries. Gracchus, after the acquittal of his colleague, was not brought to trial. The tribunes, whose powers, though they were sometimes suffered to lie dormant, were ever ready for action when called forth, upon another occasion took part with the senate to control the consuls, and obliged them to go into the provinces respectively assigned to them contrary to their inclinations, by threatening to set a fine upon them if they continued contumacious. *Ch. XIII.* 583.

A war which was upon the point of breaking out in Egypt was prevented by the spirit and decisive manner of C. Popillius Lænas, who was sent to Antiochus with two other legates, to prohibit him from doing any injury to the dominions or interests of the two Ptolemies and their sister Cleopatra. 584.

Ch. XIII. The brothers had been at variance, and Antiochus for his own purposes supported the pretensions of the elder: but when they had accommodated their differences amicably and without his intervention, he set up claims to part of their kingdom, and was actually in full march to attack Alexandria. The legates met him at a small distance from the walls, and Popillius, without any previous address or salutation, delivered into his hand the letter of the senate. The king replied, that he would take time to consider the contents with his ministers: upon which Popillius, drawing a circle round him with a little walking stick which he happened to have in his hand, told him sharply, that he must give his answer before he stepped out of that ring. Antiochus hesitated for a moment, and drew back at the peremptory tone; but recollecting himself immediately, he assured the legate that he was ready to do whatever was agreeable to the senate; and his army was immediately withdrawn into Syria. The Roman character was exalted in the eyes of foreign nations by the success of this interference, which checked the ambition of a stronger power

ready to despoil a weaker, and maintained the feeble race of the Ptolemies in the possession of a kingdom which their own resources or talents could no longer have kept in their hands. *Ch. XIII.*

Soon after the termination of the war against Perseus, the invaluable thread of Livy's history is finally broken off; and the loss must be supplied, however imperfectly, from a large mass of materials not uniformly arranged by any ancient author, but lying scattered among the writings of many. The failure of such a guide when he began to approach towards his own times, and to draw his information from more authentic sources, is matter of deep regret in itself; and that regret is not a little aggravated when we reflect how capriciously and perversely the destructive hand of time has dealt by posterity, in obliterating the last century of such a work, while the fabulous era of the seven kings, the early contests in the forum, and the military manœuvres within a day's march from the gates of Rome are preserved entire. 585.

The death of Antiochus, which happened not long after his meeting with Popillius, gave

Ch. XIII. occasion to a less honourable but unsuc-
590. cessful interference of the senate in the affairs of Syria. They sent out three legates, the chief of whom was Cn. Octavius, as guardians to the young king Antiochus Eupator, but with orders to weaken and destroy the power of that monarchy, instead of preserving and augmenting it. Octavius was assassinated soon after his arrival at Laodicea; but in the mean time a claimant to the succession started from Rome in the person of Demetrius, son of Seleucus the elder brother of the late king, who had received his education among the Romans. Upon the news of his uncle's death, he applied to the senate for leave to return to the dominions which he had a right to by descent, alleging that upon his father's decease he had been excluded only on account of his tender age. The senate, preferring the son of Antiochus, refused his request: but Demetrius by the advice and assistance of Polybius, who relates circumstantially the mode of his escape, privately withdrew from the city; and such was his extraordinary fortune, that he obtained, almost
591. without opposition, possession of Antioch

and his whole hereditary dominions. His cousin Eupator was put to death. The new king's conduct towards Rome was respectful and prudent, and the senate thought it expedient to temporize and acknowledge him. *Ch. XIII.*

They seized an opportunity to resent this conduct some years later, when the son of this Demetrius withdrew from Rome no less unexpectedly than his father had done, and the senate countenanced the claim of his competitors Alexander and Laodice, who were, or pretended to be, children of Antiochus. The kings in alliance with Rome supported the candidate espoused by the senate; and a single battle, in which Demetrius lost his life, put Alexander in possession of Syria. 600.

Another matter of foreign policy was conducted in the same spirit of selfishness, but more advantageously, with regard to the two brothers Ptolemies, who contested the dominion of Cyprus. The decree of the senate was in favour of the younger, surnamed Physcon, who was present to support his own cause; but the right was clearly with the elder brother Philometor, who remained excluded.

Sumptuary laws, the Orican and the Fan-

Ch. XIII. nian in particular, were enacted about this
591. time, to restrain the expenses of feasts and entertainments, and to limit the number of guests invited by private families. The Licinian law was a renewal of the Fannian,
(642.) about half a century later. The introduction of foreign literature and science followed the more extended intercourse which was opened with the Grecian states, and began to attract disciples among the young men: but the first advances towards these pursuits were discountenanced by the maxims and prejudices of the uncultivated and illiterate citizens; and the professors of rhetoric and philosophy were
591. obliged to yield to a positive edict of the pretor Pomponius, ordering them to withdraw from the city. Three Athenian philosophers,
597. the chief of whom was Carneades, who were sent some years afterwards invested with the character of ambassadors, could not maintain their ground against Cato, who moved in the senate that they should be dismissed from Rome, for fear of the effect of their doctrine upon the rising generation.

A growing taste for poetry, which naturally sprung up with this tendency towards knowledge and refinement, fell equally under

the censure of the same rigid moralist, of, *Ch. XIII.*
whom it is related that he reproved the consul M. Nobilior, when he took Ennius abroad as his companion, for carrying poets about with him into his province: but Cato at a very advanced age allowed himself the gratification which he denied to the public, and learned in private the language, and studied the writings of those Grecian sages whom he had publicly proscribed.

While these severe maxims, which some called ancient wisdom and others antiquated prejudice, prevailed, the stage and an increasing relish for dramatic representations, could not be regarded with indifference. A theatre which was building at the public expense, under a contract made by the censors, was ordered by a decree of the senate to be demolished, and plays were 601.
prohibited from being acted within the precincts of the city, or within the distance of a mile from the walls.

But it was immediately before this period that the Roman drama had already attained a degree of excellence, which even in the most polished age of every other species of literature it never surpassed. The sixth

Ch. XIII. century from the foundation of the city witnessed the birth and death of almost every one of those whose works or names have descended to us as attaining eminence in this branch of poetry, beginning with Livius Andronicus, whose first play was produced upon the stage one year before the birth
514. of Ennius. Ennius, who may be justly styled the father of Latin poetry, composed tragedies as well as historical poems, of which considerable fragments are preserved: he was born in Calabria, and seems to have served in the army stationed in Sardinia, from whence he was brought to Rome, certainly not for his poetical merit, by Cato; and he obtained the rights of the city through the interest of M. Nobilior.

With him were exactly cotemporary Nævius, who bore arms in the first Punic war, and Cæcilius Statius celebrated in his day as a comic writer, to whose judgment Terence's first piece was referred by the ediles. Pacuvius a native of Brundisium was Ennius's nephew, of whose tragedies some remains are extant. Accius was born about fifty years later than Pacuvius; Afranius, Titius, Turpilius, Acuticus, were living at

the same time with him; as were also the two great luminaries of the Roman stage, Plautus and Terence. The death of Plautus is placed fifteen years earlier than that of Ennius, and nine years after the birth of Terence: his birthplace was in Umbria: and he is said to have been among the few who made any considerable profit by his compositions, for Ennius and most of the others died in poverty. But whatever Plautus gained by the stage, he lost in some trade which he imprudently engaged in; and falling into extreme distress, he was obliged to work for his subsistence with a miller, during which servitude three of his pieces are supposed to have been written. *Ch. XIII.* 569.

Terence was born after the termination of the second, and died at an early age before the breaking out of the third Punic war; which, if he was really a native of Carthage, makes it hard to account for the state of slavery in which he lived at Rome, unless indeed he was stolen in his infancy from Africa, like some of the Carthaginians in Plautus's comedies. He received his freedom from his master Terentius Lucanus a senator, whose name he took. It is a most 560. 594.

Ch. XIII. singular circumstance, and without example in any other country, that the language should receive its highest perfection in point of elegance and grace combined with simplicity, from the hand of a foreigner and a slave: but it so happened, that this countryman of Hannibal gave to the Roman tongue those excellencies in a degree which the Augustan age itself could not excel. Terence had great and powerful friends in the younger Scipio Africanus, Lælius, and Furius, whose assistance he is supposed to have received in bringing his pieces to perfection: a supposition which did the poet and his labours too much honour to make him desirous of declining or disowning it: but their patronage, however honourable to his literary fame, does not seem to have been advantageous to the circumstances of the poet; for he lived in poverty, and died either on his travels into Greece, or by ship-
587. wreck upon his return. His six comedies were acted within the space of about the
593. same number of years: the Andrian was the earliest; the Eunuch was that for which the ediles gave the highest price; the Adelphi was brought out at the obsequies of Æmilius

Paullus; and it is thus that the history of the Roman stage becomes connected with the annals of the republic, and of the great men who adorned it.

While letters received so little countenance from those in authority, it excites some surprise to find them cultivated with such eminent success among slaves and freedmen; for Terence was not the only example to whom this remark applies. Livius Andronicus is supposed to have been in the same condition, a Greek by birth from one of the cities in the south of Italy, and to have received his freedom from some branch of the Livian family. Cæcilius was a native of the Gallic territory near Milan, and continued for some time in slavery at Rome: the father of Accius had been of equally humble origin.

After literature had made such brilliant advances among men in that state of degradation, in an age when so many discouragements were thrown by authority in its way, it is not to be wondered at that it continued to flourish among those of the same class, when their masters became more capable of appreciating such acquirements:

Ch. XIII. and we find accordingly that in the succeeding century slaves of this description were in high request, and sold for great prices; among whom were some celebrated teachers of grammar and rhetoric, whose names have descended to us.

Hostilities broke out again in Spain, which continued long, and were distinguished by great variety of fortune. The vexation and extortion of the prætors who were sent to govern the province, gave too just an occasion to the discontent and resistance of the natives. The flame of rebellion included both Lusitania and Celtiberia; and it became necessary to send a more considerable army under the consul.

599. But Fulvius in the year of his consulate, so far from reducing the insurgents, sacrificed a considerable portion of his troops in Celtiberia; nor was the pretor Mummius more successful at first in Lusitania, although in the latter part of the campaign the loss of his camp, which he had suffered in the beginning, was amply counterbalanced.

The prolongation of this warfare, and the hardships endured by the legions at so

great a distance from home, made the war unpopular: it became difficult to recruit for that service: the tribunes protected those who refused to inlist: and the same circumstances brought into notice Scipio Æmilianus, the son of Æmilius Paullus, (adopted into the Cornelian family) which had advanced the early reputation of his grandfather Africanus when similar discou- 601. ragements occurred in the same province. The ardour and public spirit with which he harangued the people, made them ashamed of their backwardness in the service of their country, and the ranks were filled. *Ch. XIII.*

Under the consul Lucullus young Scipio went into Spain as one of the legionary tribunes, where he acquired great credit for valour and capacity, as well as for probity and honour; while the consul disgraced the Roman name by acts of treachery, cruelty, and avarice. The pretor Galba's conduct was no less infamous in Lusitania. Viriathus from a captain of banditti became a distinguished and successful commander, and in several actions obtained advantages over the Roman power, until he was taken off by assassination. 612.

Ch. XIII.

While Rome was thus employed in reconquering and securing what was lost or endangered by mismanagement and maladministration, her old antagonist Carthage, enriched by commerce and the enjoyment of a long peace, had regained a great share of maritime power, and maintained a naval establishment far beyond what the terms of her treaty with Rome permitted. With strength and prosperity, her spirit of rivalry returned: she was unwilling to submit any longer with patience to the injustice and encroachments of her ambitious neighbour Masinissa, and to the partial arbitration of Rome. A destructive war with the former was the prelude to her final extinction by the latter; and the old king of Numidia, at the age of ninety, had nearly put an end to her military force before she was attacked by the Romans.

A jealous and suspicious intercourse had for some years subsisted between the two republics. Commissioners had been sent from Rome to Carthage more than once to examine into the state of her force, and to ascertain the disposition and views of the leading men.

Cato had long been watching with impatience for a moment of irritation and resentment to stir up his countrymen to hostility: he omitted no opportunity of preparing the minds of the senators for the destruction of Carthage, and inculcated this opinion by concluding every speech that he made, upon whatever subject, with a dogmatical sentence on the necessity of putting an end to that republic. The moderation of Scipio Nasica counterbalanced for some years the severity of the censor; and there were not wanting some reflecting and penetrating reasoners, who foresaw danger both to the constitution and morals of Rome, whenever she should be left to domineer over the whole world, unchecked and uncontrolled by any rival. But a time of national animosity at last arrived: the representations of Masinissa, who seems always to have been the aggressor, were listened to; and war was declared. Cato had not the gratification of seeing the ultimate object of all his public vows accomplished; but he lived long enough to be a party to the decision taken against Carthage; and if he could have witnessed the vindictive spirit in which

Ch. XIII.

602.

Ch. XIII. that decision was followed up, he could not have been dissatisfied with the manner in which his counsels were carried into execution.

CHAPTER XIV.

Third Punic War.

The Carthaginians received the news with consternation; they became at once timid, abject, and without resource: and the defection of Utica, which surrendered and put itself under the protection of Rome, filled up the measure of their terror and desperation. Seeing no safety except in unconditional submission, they bowed the neck, and sent ambassadors for this humiliating purpose to the senate. Their submission was accepted; but the expedition to Africa under both the consuls sailed notwithstanding. Nothing could exceed the 603.
ill faith with which the consuls conducted themselves towards their new subjects; their demands were opened by degrees and insidiously; and after the Carthaginians had delivered up their arms and warlike machines, and had brought themselves to behold as quiet spectators the conflagration of all

Ch. XIV. the shipping in their port, it was discovered to them that the consuls had a farther mandate in store, which was no less than that they must abandon their native soil and build new habitations for themselves at the distance of ten miles from the sea.

The indignity and tyranny of this demand drove the Carthaginians into a state of rage and desperation: a sense of intolerable oppression whetted their ingenuity, and converted every thing that they had not given up into weapons of defence, and kindled in their last gasp a generous courage to defend themselves or to die with honour. The exertions which they made were almost incredible against obstacles which might appear insurmountable, so that no impression
604. was made upon them in the first year by Manlius; and they had even some success against the consul Calpunius Piso to encourage them in the second: but when Scipio Æmilianus was elected consul to conduct the third campaign, at an earlier age than was allowed by law, and while he was canvassing only for the humble office of edile, the destiny of Carthage sunk under the ascendant of his fatal name; and he laid

that proud city in the dust, which had been preserved from an earlier downfal by the clemency of his grandfather. *Ch. XIV.* 606.

After one hundred and fifteen years of war or preparation for war, or of insidious and hollow peace between these two powerful commonwealths, the weaker of them was thus annihilated six hundred and sixty seven years after its foundation.

The same year which extinguished Carthage was fatal also to Corinth the chief city of the Achæan league. The immediate cause of quarrel originated in a dispute between the confederated states and Lacedæmon, which was desirous of withdrawing from the alliance into which the address of Philopœmen had linked her after the assassination of Nabis by the Ætolians, and without means or virtue to renew such high pretensions, aspired to resume the high station which she formerly maintained. The factions and vices of two or three leading men, who appear to have been as destitute of ability as of virtue, precipitated the ruin of Peloponnesus; for the Romans upon this occasion, contrary to many instances in their foreign policy, were sincerely desirous of preserving

Ch. XIV. tranquillity, and of conforming to the dictates of reason and moderation.

The pretor Metellus was at that time in Greece with a victorious army, which had just finished a war in Macedonia, occasioned by a pretender to the throne of Perseus, who, under the assumed name of Philip, gave himself out for his son. Extraordinary success attended his imposture at first, and he gained a temporary possession of the whole kingdom.

A second impostor, who took the name of Alexander, was suppressed with less difficulty; and a third, who called himself Philip, had no better success.

The arrival of the consul L. Mummius before Corinth robbed Metellus of the glory of terminating the Achæan war, which he was preparing to do by negotiation, if possible; but if milder measures should have failed, he was not without a force sufficient to subdue all opposition.

One battle upon the Isthmus decided the fate of Corinth: though the walls were strong, and the place tenable, no defence was attempted. The Roman army entered without resistance; but no mercy was shown to the

wretched inhabitants. None of those who were capable of bearing arms were left alive; the women and children were sold; and after the city had been ransacked and plundered, it was given up to the flames. Besides the magnificent and rich works of every description, and the exquisite productions of art preserved in the public places and temples, with which no city was more abundantly embellished, the amount of individual wealth and the monuments of exquisite taste in private houses were so numerous, that, after the conquering army had removed every thing which was valuable in their eyes or worth carrying off, the refuse of the various metals thrown into a state of fusion by the fire ran down the streets in streams, and formed that valuable mixture so much esteemed afterwards under the denomination of Corinthian brass.

The wonders of sculpture and painting which decorated the triumph of Mummius were prodigious; but he himself had not imbibed the smallest knowledge or taste for them: cast in the rough mould, and educated in the rude habits of older times, he was contented to remain in the homely

Ch. XIV. habitation of his forefathers, while he enriched and embellished his country.

Polybius was of great service to his unfortunate countrymen in relieving the distresses of Achaia, where he was left by the ten Roman commissioners to make a circuit of the cities, and to settle and reconcile them to the new form of government and laws which the change of circumstances rendered necessary. In the discharge of this difficult trust he acquitted himself honourably, and much to the satisfaction of those to whom after so long an absence he was restored, whose gratitude was expressed by statues and inscriptions commemorating the wisdom of his counsels and the zeal of his exertions.

The early part of Polybius's voluminous history, like that of Livy, is better preserved than the latter, which is to be regretted for the same reason; as the latter books treated of events which passed in his own time, and actually under his observation: but he is so far more fortunate than the Roman, that there remain several scattered passages and fragments of his works, containing very interesting anecdotes relating to himself, and the great scenes at which he was present.

He resided long at Rome, under some suspicion of being ill affected towards the republic; and he was allowed only late in life to return to his native country: but his involuntary banishment afforded him an opportunity of forming an intimate friendship with Scipio, in whose society he constantly lived, and in whose suite he was when Carthage was destroyed. He relates that he saw his illustrious friend weep over the smoking ruins, and heard him repeat two prophetic lines from Homer, as portending at some later period the fate of his own country. Polybius was present also, either at, or very soon after the taking of Corinth; and held several conversations with Mummius; and as a sign of the excessive ignorance of the Romans and of their total want of feeling for the fine arts, he mentions that he saw parties of the Roman soldiers playing at dice upon some of the most celebrated pictures of the greatest masters. *ch. xiv.*

The war in Spain continued, with the interruption only of a short and temporary peace concluded by the proconsul Servilianus in a moment of distress. The assassination of Viriathus in his tent by three of his confi-

Ch. XIV. dential friends whom the consul Q. Servilius
612. Cæpio had gained and suborned, deprived the Lusitanians of the only commander who was capable of making resistance against the Roman power; and they soon after surrendered. The consul wisely transplanted them from their mountains and fastnesses into a different part of the province, where they became tranquil subjects and industrious husbandmen. Great as the importance was of the consul's services, the treacherous means by which they were effected threw a cloud over them, and Cæpio had the mortification of being refused a triumph.

It is curious to observe the constant tendency which the Romans had towards new and extraneous superstitions; notwithstanding their laws and maxims of government inculcated the exclusive worship of the gods of their fathers, and the general veneration paid to the tenets and rites of their established religion, in which no nation surpassed the Romans of these days. An adventitious deity from the east, either a new Bacchus or Jupiter, began to make pro-
613. selytes under the title of Sabazius, to whom his priests and votaries ascribed the attri-

butes of those divinities; but this new worship was suppressed and forbidden, with no less abhorrence than the senate had upon former occasions manifested against other religious innovations; and at the same time several Chaldean astrologers were banished out of Italy by the pretor Hispallus. *Ch. XIV.*

Two singular extensions of the tribunitial power were attempted and enforced with extraordinary insolence about the same period, which was in general a time of internal tranquillity until it was disturbed by the proceedings of Ti. Gracchus. The tribunes thought proper to take under their own cognizance military causes, particularly the punishment of desertion, which they exercised with great severity; but they asserted likewise an absolute right of exempting a fixed number, at their own option and without control, from the conscription.

The consuls Scipio Nasica, and Junius Brutus, both men of the highest authority, opposed this unconstitutional encroachment upon their prerogative; but they were ordered by the tribune C. Curiatius, whom Cicero styles the basest and most contemptible of mankind, to prison. 614.

Ch. XIV

The other immoderate exercise of the same overbearing pretensions fell not many
622. years later upon the censor Cæcilius Metellus, in revenge for his having refused a place in the senate to the tribune Labeo. The attendants of the tribune seized him in the forum at noon day, and dragged him to the Tarpeian rock, from whence Labeo ordered him to be thrown down; and it was only by the interposition of another tribune that his life was saved. The person of the censor was illtreated and insulted by those who apprehended him; his estate was put up by the tribune's sole authority to public sale, and the produce consecrated to Ceres. The atrocious violence of this proceeding was not questioned, even after the aggressor was out of office: but a law passed to give the tribunes a right of voting in the senate.

These instances are sufficient to show that if the power of this encroaching magistracy was less exerted, it was not at all weakened by disuse; for in fact it was able, whenever it fell into active and mischievous hands, to check, control, counteract, and degrade every other authority in the commonwealth.

In hither Spain the warfare was prolonged by the valour and obstinacy of the Numantines, who obliged the consul Q. Pompeius Nepos to make a disgraceful peace with them, which was disowned afterwards by himself, and annulled by the senate: the people also taking their share in the evasive cavilling and disingenuous misinterpretation under which the treaty was set aside. *Ch. XIV.* 612.

It appears unaccountable that in an age when every thing else fell prostrate before the Romans, a city which never contained more than ten thousand native troops, should have so long withstood and baffled all their attempts. A second consul, C. Hostilius Mancinus, was surprised by this enterprising enemy in the night; and after suffering a total defeat, with considerable loss of men, he found himself on the return of day surrounded by their force and completely in their power. 615.

There were no possible means of safety except in capitulation; but the Numantines distrusted the Roman faith after their treaty with the former consul. The presence of young Ti. Gracchus, who happened to hold the office of quæstor, removed this difficulty;

Ch. XIV. for his name was held in such veneration by the Spaniards, on account of his father's incomparable conduct in that province, that they were prevailed upon to rely chiefly upon his pledging himself for the observance of this convention. They took, as a further precaution, what additional security they could, by swearing all the principal officers of the army to observe it; and about ten thousand Romans, after passing under the yoke, owed their preservation to this necessary but ignominious agreement.

At Rome the public indignation became outrageous; for Mancinus had not the same favour and popularity to protect him, which had screened Q. Pompeius in a case so nearly similar. The senate determined that the treaty was null, having been made without competent authority; and that the authors of it, upon whom they pretended to throw the whole responsibility, should be given up to the Numantines. Young Gracchus, with all the powers of his eloquence, which began to develope themselves, and all the popularity of his rising talents, defended and justified before the people what had been extorted from their commander by

the hard necessity of the conjuncture; but he was able to save only himself, and the other persons who had been sworn to the capitulation; while the vengeance of the whole republic was concentrated upon the head of Mancinus; who, so far from imitating the late example which had been set of deprecation and entreaty in the case of Q. Pompeius, nobly stood forth in support of the law on which his own fate depended. The new consul Furius was ordered to conduct this disavowed negotiator back into Spain, and deliver him up to those to whom he had bound himself. The Numantines imitated the conduct of the Samnites after the affair of Caudium, and rejected him with indignation. Mancinus upon his return to Rome resumed his seat in the senate house, from whence one of the tribunes ordered him to be removed; but he was subsequently restored to the full enjoyment of all his rights, either by virtue of the general law, or by a special act made in his favour; and he is said also to have held the office of pretor after his return. *Ch. XIV.* 616.

The other division of Spain continued to be ably and vigorously administered by

Ch. XIV. Junius Brutus, who remained there as proconsul; but the war languished before Numantia, and no progress was made towards its reduction until the voice of the public named the conqueror of Carthage for consul, who was lately returned from an
618 embassy to the Egyptian and Asiatic courts. It is said in the epitome of one of the lost books of Livy, that a law was in force at this time, which probably had been proposed by Cato, forbidding a repetition of consulates in the same person, and that it was dispensed with by a special command of the people in favour of Scipio: but according to Appian, the law which was dispensed with was the same which had been before relaxed upon Scipio's first advancement, relating to the consular age; the mode pursued was, by repealing the law for one year, and afterwards reenacting it, which was effected by the tribunes in compliance with a vote of the senate.

Some difficulties however appear to have been thrown in his way by the senate, which neither assigned to him a supply of money nor productive funds sufficient for such a service, nor suffered him to enroll men in

the usual manner; but his private friends and clients came forward to serve under him, and the high character and consideration which he enjoyed, not only among several of the Italian towns which looked up to him as their patron, but among foreign states also and kings who sent him some of their troops, enabled him to supply these deficiencies without obstructing the other services of the republic.

In the army of which he took the command, there were defects and disorders that required more tedious remedies and reforms. Inactivity, want of discipline, and indulgence, had relaxed the vigour of the legions; a long succession of ill fortune had damped their courage; and it became necessary to inure them to hardships, and to make them patient of labour and control, before he could venture to oppose them to such an enemy as he had to encounter: so that his year was wholly consumed in overcoming these ill habits and preparing his army for exertion. The command was continued to him as proconsul; and he then ventured to form the blockade of Numantia, shutting the inhabitants up so closely, that they

Ch. XIV. could neither draw supplies from the country, nor make any sallies without loss.

Every thing was quickly exhausted within the fortress, excepting the courage and obstinacy of the besieged; and famine at last subdued this brave and desperate
619. band, whom nothing else was capable of overpowering. A small number only seem to have fallen into the hands of the conquerors: want and fatigue had destroyed the major part; and some had been killed in the extremity of distress to afford an unnatural supply of subsistence for prolonging the lives of their associates: the bravest of those few who remained fell upon each others swords, after throwing into the conflagration which they kindled every thing that was valuable or dear to them, whether living or dead.

END OF THE FIRST VOLUME.

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